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STATE OF ARIZONA

Initiative and Referendum Publicity Pamphlet

1920

20-27353

A PAMPHLET

Containing a Copy of All the

PROPOSED AMENDMENTS TO THE CONSTITUTION

Referred to the People by the Legislature and Proposed by
Initiative Petition

REFERENDUM

Ordered by the Legislature and by Petition of the People
and

MEASURES PROPOSED BY INITIATIVE PETITION

To be Submitted to the Qualified Electors of the State of Arizona for
Their Approval or Rejection at the

REGULAR GENERAL ELECTION

To be held on

THE SECOND DAY OF NOVEMBER, 1920

Together with the Arguments, filed, favoring and opposing certain of
said measures.

Compiled and Issued by

MIT SIMMS, Secretary of State

(Publication authorized under Par. 3332, Chapter I, Title XXII, Revised
Statutes of Arizona, 1913, Civil Code.)



PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE
OF ARIZONA.

AN ACT TO AMEND SECTION V, SUBDIVISION II, OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA, ENTITLED "THE LEGISLATURE" AND TO PROVIDE FOR THE SUBMISSION OF THE SAID PROPOSED AMENDMENT TO THE VOTE OF THE PEOPLE OF THE STATE OF ARIZONA; AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION
to be held

ON THE SECOND DAY OF NOVEMBER, 1920.

Referred to the people by the Legislature and filed in the office of the Secretary of State, March 17, 1919, in accordance with the provisions of Paragraph 3328, Chapter I, TITLE XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.
PROPOSED BY THE LEGISLATURE.

AN ACT TO AMEND SECTION V, SUBDIVISION II, OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA, ENTITLED "THE LEGISLATURE" AND TO PROVIDE FOR THE SUBMISSION OF THE SAID PROPOSED AMENDMENT TO THE VOTE OF THE PEOPLE OF THE STATE OF ARIZONA; AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA.

If you favor the above law, vote YES; if opposed, vote NO.

100 Yes.

101 No.

(On Official Ballot Nos. 100 and 101.)

CHAPTER 76.

(Sub-Senate Bill No. 128.)

TO AMEND SECTION V, SUBDIVISION II, OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA, ENTITLED "THE LEGISLATURE" AND TO PROVIDE FOR THE SUBMISSION OF THE SAID PROPOSED AMENDMENT TO THE VOTE OF THE PEOPLE OF THE STATE OF ARIZONA; AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA.

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Submitted to the Electors of Arizona, November 2, 1920

3

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed that there shall be submitted to the people of the State of Arizona, under the provisions of Section V, Subdivision II, of Article IV of the Constitution of the State of Arizona, an act, in title and form as follows, to-wit:

To amend Section V, Subdivision II, of Article IV of the Constitution of the State of Arizona, entitled "The Legislature" and to provide for the submission of the said proposed amendment to the vote of the people of the State of Arizona, and to repeal Section V, Subdivision II, of Article IV of the Constitution of the State of Arizona.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. That Section V, Subdivision II, of Article IV of the Constitution of the State of Arizona, shall be, and the same is hereby amended to read as follows:

"5. No member of the Legislature, during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit under this State which shall have been created or the emoluments of which shall have been increased during said term, provided that the prohibitions hereof shall not be so construed as to prevent the election of any member of the Legislature to any office, the term of which does not commence until after the expiration of the term to which such member of the Legislature shall have been elected.

Sec. 2. The submission to the people of the State of Arizona of said proposed act, as set forth in Section 1, of this act, is hereby ordered, in accordance with the provisions of Section 1, Article 21 of the Constitution of Arizona.

Sec. 3. When said proposed amendment shall have been approved by a majority of each House of the Legislature and entered on the respective journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election.

Passed the Senate March 5, 1919.

Passed the House March 13, 1919.

Filed in the office of the Secretary of State, March 17, 1919.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA.

AN ACT IN RELATION TO THE ELECTION OF MEMBERS OF THE STATE TAX COMMISSION AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA AT THE NEXT REGULAR OR GENERAL ELECTION.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION
to be held

ON THE SECOND DAY OF NOVEMBER, 1920.

Referred to the people by the Legislature and filed in the office of the Secretary of State, March 17, 1919, in accordance with the provisions of Paragraph 3328, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.
PROPOSED BY THE LEGISLATURE.

AN ACT IN RELATION TO THE ELECTION OF MEMBERS OF THE STATE TAX COMMISSION AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA AT THE NEXT REGULAR OR GENERAL ELECTION.

If you favor the above law, vote YES; if opposed, vote NO.

102 Yes.

103 No.

(On Official Ballot Nos. 102 and 103.)

CHAPTER 77.
(Senate Bill No. 193.)

AN ACT

IN RELATION TO THE ELECTION OF MEMBERS OF THE STATE TAX COMMISSION AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA AT THE NEXT REGULAR OR GENERAL ELECTION.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. The members of the State Tax Commission to be elected, shall be elected by the qualified electors of the State at large, and the names of all candidates for such office shall be placed on the regular official ballot under the party caption of the political party by which said candidate is nominated. The member of the Commission having the shortest time to serve and not holding his office by appointment or by election to fill a vacancy shall be Chairman of said Commission.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 3. The said proposed law as set forth in Section 1 and 2 of this act is hereby approved, in accordance with the provisions of Section 1, Article 21, of the Constitution of Arizona.

Sec. 4. When said proposed law shall be approved by a majority of each House of the Legislature and entered upon the respective Journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election.

Passed the Senate March 12th, 1919.

Passed the House March 14th, 1919.

Filed in the office of the Secretary of State March 17th, 1919.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE
OF ARIZONA.

AN ACT

TO AMEND THE CONSTITUTION OF THE STATE OF ARIZONA BY ADDING THERETO AN ARTICLE PROVIDING FOR INCREASING THE SALARIES OF TEACHERS AND PUBLIC OFFICERS TO MEET THE INCREASED COST OF LIVING.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SECOND DAY OF NOVEMBER, 1920

Proposed by Initiative Petition of the people and filed in the office of
the Secretary of State July 1, 1920, in accordance with the
provisions of Paragraph 3328, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Re-
vised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot.

PROPOSED AMENDMENT TO THE CONSTITUTION
PROPOSED BY INITIATIVE PETITION.

AN ACT

TO AMEND THE CONSTITUTION OF THE STATE OF ARIZONA
BY ADDING THERETO AN ARTICLE PROVIDING FOR INCREASING
THE SALARIES OF TEACHERS AND PUBLIC OFFICERS TO MEET
THE INCREASED COST OF LIVING.

If you favor the above law, vote YES; if opposed, vote NO.

104 Yes.

105 No.

(On Official Ballot Nos. 104 and 105.)

AN ACT

TO AMEND THE CONSTITUTION OF THE STATE OF ARIZONA
BY ADDING THERETO AN ARTICLE PROVIDING FOR INCREASING
THE SALARIES OF TEACHERS AND PUBLIC OFFICERS TO MEET
THE INCREASED COST OF LIVING.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That the Constitution of the State of Arizona be, and is hereby
amended, by adding thereto another article, the same to be numbered
XXV, and to read as follows:

"Section 1. That from and after July 1st, 1921, and until otherwise
provided by law, no teacher in any of the public schools of the State of
Arizona shall be employed at a less wage or salary than at the rate of
\$1200.00 per school year. No teacher who has had at least eight months
teaching experience shall be paid a less wage or salary than at the rate
of \$1400.00 per school year; provided, that for the purpose of this section
normal training school experience before graduation shall not be deemed
to be teaching experience; and, provided further, that the minimum
salary set forth in this section shall apply only to full-time teachers em-
ployed by regularly organized public school districts of the State of
Arizona, and shall not be construed as preventing higher salaries being
paid such teachers by any school district contracting so to do. The
county boards of supervisors, the county school superintendents and the
boards of school trustees or other officers or official boards who fix school

levies or who made estimates of or for school expenses, shall include in such levies or estimates an amount sufficient to carry out the provisions of this section and to enable each school district in the State of Arizona to maintain school for at least the minimum term required by law, during each school year. This section shall not be construed to be a limitation on estimates or levies for other school purposes, but it is intended hereby to give such additional authority that the provisions of this section shall be properly carried out.

Sec. 2. That from and after January 1st, 1921, and until otherwise provided by law, the salaries of all elective officers except County School Superintendents and Judges of the Superior Court, of counties of the first class shall be increased thirty-three and one-third ($33\frac{1}{3}$) per cent over the amount of such salaries as they are now fixed by law for their respective offices; salaries of County School Superintendents of counties of the first class shall be increased fifty (50) per cent over the amount of such salaries as they are now fixed by law for such office; salaries of all elective officers of counties of the second class, except Judges of Superior Court, shall be increased twenty-five (25) per cent over the amount of such salaries as they are now fixed by law for their respective offices; salaries of all the elective officers of counties of the third and fourth classes, except Judges of the Superior Court, shall be increased twenty (20) per cent over the amount of said salaries as they are now fixed by law for their respective offices; the salary of the Governor of the State of Arizona shall be increased twenty (20) per cent over the amount of such salary as it is now fixed by law for said office; the salary of the Chief Justice and Judges of the Supreme Court, the Secretary of State and the Attorney General shall be increased fifty (50) per cent over the amount of such salaries as they are now fixed by law for their respective offices; the salaries of all other elective officers of the state, save and except Judges of the Superior Courts of the various counties, shall be increased sixty-six and two-thirds ($66\frac{2}{3}$) per cent over the amount of such salaries as they are now fixed by law for their respective offices; the salaries of the Judges of the Superior Courts of the various counties shall be increased twenty (20) per cent over the amount of such salaries as they are now fixed by law for their respective offices; all of such increased salaries shall be paid to all of said officers from and after said first day of January, 1921, in manner and form as now provided by law, regardless of the fact that it is during their present term of office. Any or all other increases of salaries of elective state or county officers made by a general salary law, passed at the regular or any special session of the first Legislature held after the adoption of this amendment, may be made to become effective immediately by the terms of said general salary law.

Hereafter any increase in the salary of any one member of an elective board, commission, court or department of the state or counties thereof, which said board, commission, court or department is composed of more than one member elected by the people for such office, shall simultaneously operate as an increase in the salary of all other members of said board, commission, court or department, to an amount equal to the salary of said one member.

Filed July 1, 1920.

AN ACT

TO REGULATE THE MAKING OF APPLICATIONS, FOR AND GRANTING OF COMMUTATIONS, PARDONS AND PAROLES, AFTER CONVICTION, FOR ALL OFFENSES; TO CREATE A BOARD OF PARDONS AND PAROLES AND DEFINE THE DUTIES THEREOF, TO REPEAL TITLE XXI, PARDONS AND REPRIEVES, PART TWO, PENAL CODE, REVISED STATUTES OF ARIZONA, 1913, AND ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SECOND DAY OF NOVEMBER, 1920.

Referendum ordered by the Legislature, and filed in the office of the Secretary of State March 17, 1919, in accordance with the provisions of Paragraph 3328, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot.

REFERENDUM ORDERED BY THE LEGISLATURE.

AN ACT

TO REGULATE THE MAKING OF APPLICATIONS, FOR AND GRANTING OF COMMUTATIONS, PARDONS AND PAROLES, AFTER CONVICTION, FOR ALL OFFENSES; TO CREATE A BOARD OF PARDONS AND PAROLES AND DEFINE THE DUTIES THEREOF, TO REPEAL TITLE XXI, PARDONS AND REPRIEVES, PART TWO, PENAL CODE, REVISED STATUTES OF ARIZONA, 1913, AND ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA.

If you favor the above law, vote YES; if opposed, vote NO.

300 Yes.

301 No.

(On Official Ballot Nos. 300 and 301.)

CHAPTER 78.

(Senate Bill No. 77.)

AN ACT

TO REGULATE THE MAKING OF APPLICATIONS, FOR AND GRANTING OF COMMUTATIONS, PARDONS AND PAROLES, AFTER CONVICTION, FOR ALL OFFENSES; TO CREATE A BOARD OF PARDONS AND PAROLES AND DEFINE THE DUTIES THEREOF, TO REPEAL TITLE XXI, PARDONS AND REPRIEVES, PART TWO, PENAL CODE, REVISED STATUTES OF ARIZONA, 1913, AND ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH; AND TO PROVIDE FOR

THE SUBMISSION OF SUCH PROPOSED ACT TO THE PEOPLE OF THE STATE OF ARIZONA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed that there shall be submitted to the people of the State of Arizona, under the provisions of Section 1, Article IV, of the Constitution of Arizona, an act, in title and form as follows, to-wit:

To regulate the making of application for and the granting of commutations, pardons and paroles, after conviction, for all offenses; to create a Board of Pardons and Paroles, and define the duties thereof; and to repeal Title XXI, Pardons and Reprieves, Part Two, Penal Code, Revised Statutes of Arizona, 1913, and all acts and parts of acts in conflict herewith.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. The Governor has power to grant commutations, pardons, and paroles, after conviction, for all offenses, except treason and cases of impeachment, upon the conditions, and subject to the restrictions and limitations provided in this Chapter.

Sec. 2. In the case of a conviction for treason, the Governor may suspend the execution of the sentence, until the case can be reported to the Legislature at its next session, when the Legislature may either pardon, direct the execution of the sentence, or grant a further reprieve.

Sec. 3. Neither the Governor nor the Legislature shall have power to grant a pardon or commutation of sentence in any case where the convict has twice convicted of felony, except upon the written recommendation of a majority of the Justices of the Supreme Court.

Sec. 4. The Governor must communicate to the Legislature, at the beginning of every regular session thereof, each case of commutation, pardon or parole, setting forth the name of any person so commuted, pardoned or paroled, the court in, and the crime of which he was convicted, the sentence and its date, the date of commutation, pardon or parole, the recommendation of the Board of Pardons and Paroles with respect thereto, and the executive reasons for granting the same.

Sec. 5. All applications for commutations, pardons or paroles must be made to the Governor, and by him immediately transmitted to the Board of Pardons and Paroles. The Governor shall also immediately send, by registered mail, one copy of said application, or explicit notice thereof, to the Superior Judge, and one copy to the County Attorney, of the county in which the person applying for commutation, pardon or parole was convicted.

Sec. 6. If the crime for which an applicant for pardon was convicted, is homicide or rape, a copy of the application, or explicit notice thereof, must also be published for a period of not less than twenty days in a newspaper of general circulation, published in the county wherein the conviction was had.

Sec. 7. In the case of an application for a pardon, either the Governor or the Board of Pardons and Paroles may require the Judge of the Superior Court or the County Attorney, of the county in which the conviction was had, to furnish without delay, a statement of facts proved on the trial, and of any other facts having reference to the propriety of granting or refusing the pardon.

Sec. 8. Any Superior Judge or County Attorney who shall receive a copy of an application for commutation, pardon or parole, or a notice that such an application has been filed, as provided in Section 5, may within twenty days thereafter file with the Board of Pardons and Paroles,

a written statement, protest or recommendation regarding the case. Whenever any such statement, protest or recommendation is filed with the Board of Pardons and Paroles, a copy of the same shall be filed with the Governor.

Sec. 9. The Board of Pardons and Paroles shall consider and act upon all applications for commutation, pardon or paroles transmitted by the Governor, and shall make its recommendations to the Governor with respect thereto, within thirty days from the receipt of any such application, unless the Governor, in writing shall grant further time for investigation, but shall not take final action on any such application or submit its recommendations with respect thereto to the Governor in less than twenty days from the date of the receipt thereof, unless it shall sooner receive from the Superior Judge and the County Attorney of the county in which the convict making such application was convicted, the written statements, protests or recommendations provided for in Section 8, and in no case where the application is for a pardon, and the convict applying therefor was convicted of homicide or rape, shall final action be had by the Board of Pardons and Paroles and its recommendation transmitted to the Governor prior to the completion of the twenty days' notice required by the provisions of Section 6, to be published in the county in which the conviction was had.

Sec. 10. The Board of Pardons and Paroles shall, upon transmitting to the Governor its recommendations with respect to any application for commutation, pardon or parole, immediately send, by registered mail, one copy of such recommendations to the Superior Judge and one copy to the County Attorney of the county in which the person applying for commutation, pardon or parole was convicted.

Sec. 11. The Governor shall grant no commutation, pardon or parole within less than ten days after receipt by him of the recommendation of the Board of Pardons and Paroles upon the application therefor, or, in the event of the failure of the said board to make any recommendations upon such application, within the time in this act provided, or any executive extension thereof, then within less than ten days after the expiration of any such period; provided, that if he shall sooner receive written notice from the Superior Judge and the County Attorney of the county wherein the convict applying for commutation, pardon or parole was convicted that no objection is urged by either of them to the granting of same, he, the Governor, may in his discretion disregard the ten-day limitation in this section contained.

Sec. 12. The limitations and restrictions in this act contained, upon the power of the Governor to grant commutations, pardons and paroles, except such as relate to treason and cases of impeachment, shall not apply.

(a) When there is imminent danger of the death of the person convicted or imprisoned.

(b) When the term of imprisonment of the applicant is within ten days of its expiration.

Section 13. There is hereby created a Board of Pardons and Paroles, to consist of three members, one to be appointed by the Governor, one by the Chief Justice of the Supreme Court and one by the President of the Senate. The first members of said board shall be appointed for six, four and two years, respectively in the order hereinbefore specified, and thereafter each member shall be appointed for six years. As soon as practicable after the taking effect of this act, the members of said board shall meet at the state prison and organize by selecting one of their members as chairman. The parole clerk of the prison shall act as secre-

tary. Said board shall meet monthly at the state prison and at such other times as it may deem necessary.

Sec. 14. Said board shall have power to investigate, pass upon and make recommendations with respect to all applications of commutation, pardon or parole, and no commutation, pardon or parole shall be granted by the Governor except as provided by this act.

Sec. 15. The said board shall have power to make such rules and regulations for the conduct of its business not inconsistent with law, as it may deem proper, and to amend the same from time to time, and to cause the same to be published and distributed as it may see fit.

Sec. 16. Each member of said board shall receive as compensation for his services the sum of seven dollars per day while in attendance at the meetings of the board, and necessary and actual traveling and hotel expenses while engaged in the performance of his duties.

Sec. 17. All acts and parts of acts in conflict with the provisions of this act, and specifically Title XXI, Pardons and Reprieves, Part Two, Penal Code, Revised Statutes of Arizona, 1913, are hereby repealed.

Sec. 2. The submissions to the people of the State of Arizona of said proposed act, as set forth in Section 1, of this act, is hereby ordered, in accordance with the provisions of Section 1, Article IV, of the Constitution of Arizona.

Sec. 3. When this act shall receive the affirmative votes of a majority of each house of Legislature, and shall be entered on the respective Journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed act to the vote of the people of the State of Arizona, at the next regular or general election.

Passed the Senate February 21, 1919.

Passed the House March 12, 1919.

Filed in the office of the Secretary of State March 17, 1919.

AN ACT

PROVIDING FOR A PRELIMINARY EXAMINATION IN COURTS OF RECORD WHERE PROSECUTION IS BY INFORMATION.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SECOND DAY OF NOVEMBER, 1920

Referendum ordered by petition of the people filed in the office of the Secretary of State June 11, 1919, in accordance with the provisions of Paragraph 3328, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot.

REFERENDUM ORDERED BY PETITION OF THE PEOPLE.

AN ACT

PROVIDING FOR A PRELIMINARY EXAMINATION IN COURTS OF RECORD WHERE PROSECUTION IS BY INFORMATION.

If you favor the above law, vote YES; if opposed, vote NO.

302 Yes.

303 No.

(On Official Ballot Nos. 302 and 303.)

CHAPTER 14.

(House Bill No. 26.)

AN ACT

PROVIDING FOR A PRELIMINARY EXAMINATION IN COURTS OF RECORD WHERE PROSECUTION IS BY INFORMATION.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. No person shall be prosecuted criminally in any court of record for misdemeanor by information without having had a preliminary examination before a magistrate or having waived such preliminary examination.

Sec. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 24th, 1919.

"A Referendum having been filed on this act, it will come before the electorate for adoption or rejection at the next general election."

MIT SIMMS, Secretary of State.

AN ACT RELATING TO THE PROTECTION, PROPAGATORY AND CONSERVATION OF GAME AND FISH IN THE STATE OF ARIZONA, CREATING A COMMISSION TO BE KNOWN AS THE ARIZONA CONSERVATION COMMISSION, PROVIDING FOR A STATE GAME WARDEN, ASSISTANTS, AND DEPUTIES; DEFINING THE POWERS AND DUTIES OF THE COMMISSION AND OFFICERS SO PROVIDED FOR, FIXING THEIR SALARIES AND EXPENSES, REPEALING TITLE XVIII OF PENAL CODE OF ARIZONA AND AMENDMENTS THERETO, EXCEPT AS IN AND BY THIS ACT AMENDED AND REVISED.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SECOND DAY OF NOVEMBER, 1920

By Initiative Petition of the people filed in the office of the Secretary of State June 22, 1920, in accordance with the provisions of

Paragraph 3328, Chapter I, Title XXII, Revised

Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State

The following is the form and number in which the question will be printed on the official ballot.

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

AN ACT RELATING TO THE PROTECTION, PROPAGATORY AND CONSERVATION OF GAME AND FISH IN THE STATE OF ARIZONA, CREATING A COMMISSION TO BE KNOWN AS THE ARIZONA CONSERVATION COMMISSION, PROVIDING FOR A STATE GAME WARDEN, ASSISTANTS, AND DEPUTIES; DEFINING THE POWERS AND DUTIES OF THE COMMISSION AND OFFICERS SO PROVIDED FOR, FIXING THEIR SALARIES AND EXPENSES, REPEALING TITLE XVIII

OF PENAL CODE OF ARIZONA AND AMENDMENTS THERETO, EXCEPT AS IN AND BY THIS ACT AMENDED AND REVISED.

If you favor the above law, vote YES; if opposed, vote NO.

304 Yes.

305 No.

(On Official Ballot Nos. 304 and 305.)

AN ACT RELATING TO THE PROTECTION, PROPAGATORY AND CONSERVATION OF GAME AND FISH IN THE STATE OF ARIZONA, CREATING A COMMISSION TO BE KNOWN AS THE ARIZONA CONSERVATION COMMISSION, PROVIDING FOR A STATE GAME WARDEN, ASSISTANTS, AND DEPUTIES; DEFINING THE POWERS AND DUTIES OF THE COMMISSION AND OFFICERS SO PROVIDED FOR, FIXING THEIR SALARIES AND EXPENSES, REPEALING TITLE XVIII OF PENAL CODE OF ARIZONA AND AMENDMENTS THERETO, EXCEPT AS IN AND BY THIS ACT AMENDED AND REVISED.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA ACTING UNDER THEIR INITIATIVE POWERS, AS FOLLOWS:

Section 1. There is hereby created a commission to be known as The Arizona Conservation Commission and which shall consist of five members. The Governor of Arizona, Attorney General of Arizona, and whoever may be president of the Arizona Sportsman's Association, shall during their respective terms of offices in those capacities, be members of said commission. There shall be two citizen members thereof who shall be appointed by the other members of the commission not citizen members; the members so appointed shall hold office for a term of four years; vacancies in the citizen membership of the commission shall be appointed by the same appointive power, and appointees to fill vacancies shall be for the unexpired portion of the term of the person succeeded. All members of the commission shall continue in office until their successor has been appointed and qualified. The citizen members of the commission shall take an oath of office similar to that required by other state officers and file same in the office of the Secretary of State, before entering upon the discharge of their duties. Provided: That the first citizen members of the commission shall be Nathan Kendall of Tucson, Pima County, Arizona, and Dr. Clarence P. Gunter of Globe, Gila County, who shall each hold a four-year term beginning at the time this law becomes effective.

Sec. 2. The citizen members of the commission shall serve without salary, except that each of them shall be allowed a per diem of ten dollars per day for each day which is actually devoted to the duties of office under this act, together with actual traveling expenses by each member incurred in performing such duties. The per diem and expenses above provided for shall be paid from the State Game Protection Fund, and shall not be paid except therefrom.

Sec. 3. On the first Monday immediately following the proclamation declaring this measure a law of this state, the commission shall meet in the office of the State Game Warden in the Capitol and there organize as a commission. The Governor shall be chairman of the commission. The commission shall have power to adopt rules and regulations to control the acts of the commission, and may adopt such rules and regulations, not inconsistent with the provisions of this act, as may be necessary to give effect to its provisions. The commission at their first meeting shall appoint a person who shall be officially known as the "State Game Warden."

The State Game Warden shall be the secretary of the commission and shall keep the records of its acts, rules, regulations and proclamations, and give publicity to such rules, regulations and proclamations as may be adopted by the commission to give effect to this act, in such manner as hereinafter provided. The State Game Warden shall not receive any additional salary, nor expense allowances on account of his capacity as secretary of the commission, than is provided herein to be allowed him as salary and expenses as State Game Warden.

Sec. 3. In addition to the duties and powers of the State Game Warden as specifically prescribed by this act, he shall perform such duties and have such powers as may be prescribed by The Arizona Conservation Commission. As to latter powers and duties he shall act under the general supervision of the commission.

Sec. 4. The Arizona Conservation Commission shall have general power to act to the end of conserving, preserving and propagating the game and fish of the State of Arizona; to enforce the provisions of this act; and under such powers shall have incidental power to direct and require that public officers of the state and county who are particularly charged with the duty of arresting and prosecuting offenders against the criminal laws of the state, shall act to enforce the provisions of this act. All such officers shall act under the direct supervision and control of the commission, and report thereto as to their actions, and so acting, shall have power to institute, prosecute, and defend, in the name of the State of Arizona, all actions, civil or criminal in nature which involve any provision of this act and enforcement of its provisions or any of same.

Sec. 5. The State Game Warden appointed as above provided shall hold office for a term of two years, and until his successor is appointed and qualified. He shall qualify by taking an oath of office and filing same with the Secretary of State. He shall also give a bond in the sum of Two Thousand Dollars with sureties, or surety company as surety thereon, which bond shall be approved by the Governor. The form of oath and form of bond, shall conform to the requirements as to oaths and bonds of other state officers, as those forms and requirements are prescribed, or may be prescribed by general law of this state. Upon the approval of such bond, the Governor shall issue a commission to be attested by the Secretary of State with the seal of the state affixed thereto, which commission shall be evidence of power in the State Game Warden named therein to perform his duties with the powers vested by this act.

Sec. 6. Full force and effect shall be given to every rule, regulation, and proclamation, of The Arizona Conservation Commission, from the time of publication of such rule, regulation, or proclamation, in such newspaper published and circulated in Arizona as may be selected by that commission for such publication. All such publications shall appear signed by the Chairman of the commission, attested by the signature of the Secretary thereof and the seal of the commission. The Arizona Conservation Commission shall adopt and keep a seal of office which shall be used by the State Game Warden, and that commission to authenticate all rules, orders, proclamations and documents issued and executed by him as such officer or by said commission.

Sec. 7. No person shall at any time, within the State of Arizona, shoot or take, in any manner, any game or non-game animal or bird without having first obtained a hunting license for the year in which such hunting, shooting or taking is done. No person shall at any time, within this state, fish for or catch any fish without first having obtained a fishing license for the year in which such fishing or catching is done. And it shall be unlawful to either hunt or fish without having obtained the license provided for and required by this act, and any person who violates the

provisions of this section shall be guilty of a misdemeanor.

Sec. 8. Licenses required by this act shall be issued by the Clerk of the Board of Supervisors, by State Game Warden, or by such deputies as may be designated for that purpose by the State Game Warden.

Sec. 9. The licenses authorized and required by this act shall be of the different classes as follows:

(I) A hunting license, which shall entitle the holder thereof to hunt, pursue, take and kill, game birds and animals during the seasons and under the restrictions of this act applying to the taking, hunting and killing of game birds and game animals. A fee of one dollar shall be paid by each person for such a license, and so paid to the officer issuing same at the time it is issued.

(II) A fishing license, which shall entitle the holder thereof to fish for and take fish at the places, waters, and during the time and in the manner as by this act restricted, as applying to fishing for and taking of fish within this state. A fee of one dollar shall be paid by each person for such a license, and so paid to the officer issuing same at the time it is issued.

Licenses of the two classes above specified shall be issued to any person who is of the age of over sixteen years, and who is a bona fide resident of the State of Arizona, except persons, including Indians, who are not citizens of the United States. Provided: That Indians who reside in the state, and who are able to make it appear to the satisfaction of The Arizona Conservation Commission that they will not abuse the privileges of such licenses may be granted same by that commission, under such rules as it may establish pertaining to the granting of same to Indians.

Licenses granting the privileges specified as to the first class above named herein shall be granted to any citizen of the United States, who is over the age of sixteen years of ages, but not a bona fide resident of the State of Arizona, and shall be issued upon the payment of a fee of three dollars. Licenses granting the privileges specified as to the second class of licenses above mentioned shall be issued to any person over the age of sixteen years who is a citizen of the United States, but not a bona fide resident of the State of Arizona, upon the payment of a fee of three dollars. Aliens who are not subject to restrictions under laws of the United States or regulations pertaining to the right to have arms and ammunition, may be granted licenses upon the payment of fees in amount of twenty dollars for a license to include both hunting and fishing privileges. Provided: That the issuing of licenses to aliens, may be regulated by rules of The Arizona Conservation Commission, and may be refused in the first instance, or revoked after issuance, if cause sufficient therefor appears to that commission.

Sec. 10. The State Game Warden shall be paid a salary at the rate of three thousand dollars per year; he shall be paid and allowed his actual traveling and other necessary expenses incurred in and out of his office, and so incurred in the discharge of his duties of office, a sum not to exceed two thousand dollars per year; he shall also be allowed a sum not to exceed three thousand dollars per year for clerk hire and office assistants in the office of State Game Warden and in connection with the office duties to be performed in connection with the duties of The Arizona Conservation Commission. The State Game Warden shall fix the number of such clerks and assistants, and determine the salary to be paid each, but all within the above amount. The amounts mentioned in this section shall be paid by warrants drawn by the State Auditor upon and for pay-

ment out of the general fund of the state, at the same times and manner that other official salaries and expenses are allowed and paid.

Sec. 11. Any person of the age of 16 years or over may procure any of the licenses as herein provided by filing a statement with the Clerk of the Board of Supervisors or State Game Warden, or any deputy warden, authorized to issue licenses, stating therein his or her name, age, height, weight, place of residence, post office address, and color of hair and eyes. No license shall be issued except on a blank furnished by the State Game Warden, and on payment of the sum as herein provided for such license. All licenses shall be numbered consecutively when printed and shall expire with the calendar year in which issued. All American-born persons, residents of this state, under the age of sixteen years may have the same privileges as one holding a general license, without cost, provided they are accompanied by a person holding a general license.

Sec. 10. Hereafter it shall be unlawful for any person over the age of 16 years in the State of Arizona, to hunt or trap on public lands of state for fur-bearing and predatory animals of this, for profit unless such person shall have first obtained a State Trapper's License, paying therefor the sum of \$2.50.

Subdivision A. For the purpose of this section, the following predatory and fur-bearing animals shall be considered:

Mountain Lions, Foxes, Muskrats, Minks, Beavers, Badgers, Coyotes, Bears, Civet Cats, Raccoons, Skunks, Martins, Fisher, Moles, Wolves, Leopards, Opossums, Otters, Weasels, Ringtailed Cat, Woodrats.

Subdivision B. It shall be unlawful to disturb or remove the traps of any licensed trapper while trapping on the public domain or on lands where he has permission to trap. The traps of any person trapping without a license off his own lands, except as provided in this section, shall be seized by the State Game Warden and may be sold and the money derived from such sale shall be deposited to the credit of the State Game Protection Fund.

Subdivision C. It shall be lawful to keep fur-bearing and predatory animals at any time for the purpose of propagation, exhibit or sale; provided that any person desiring to propagate, exhibit or sell said animals shall first obtain a permit from the State Game Warden.

Subdivision D. No flesh of any game bird, fish, or animal shall be used for trap bait in trapping any of the animals enumerated in this section.

Subdivision E. Nothing herein shall be construed to prevent any person from protection of his own premises from depredation of any of the animals above enumerated.

Sec. 11. The open season, inclusive of both dates mentioned, for hunting or taking game birds, game animals and fish, and the bag limit on each, shall be as follows:

Male deer, October 15 to November 15, bag limit, one deer with horns, during season.

Wild turkey, October 15 to November 15, bag limit, two, during season.

Ducks, geese, coots, rail and larger shore birds, October 15 to January 31; bag limit, 20 birds of all said varieties in one day, or in possession at any one time.

Whitewings, July 15 to December 31; doves, September 1 to December 15; bag limit not exceeding 25 birds in possession at any one time, or in one day, counting both varieties.

Gamble's or Valley quail, October 15 to January 31; bag limit, not to exceed 20 birds in one day or in possession at any one time.

Trout, of all kinds, June 1 to November 15th; bag limit, 25 individual fish, not less than seven inches long, on one day or in possession at one time.

Any person who shall take any fish under seven inches in length, of any variety of fish protected by this title, is hereby required to return such fish, as little injured as possible, to the waters from which they were taken. Any person failing to abide by the provisions of this section shall be guilty of a misdemeanor.

Sec. 12. It shall be unlawful to kill, trap or snare, or in any manner injure or destroy, or have in possession, any antelope, elk, goat or mountain sheep, female deer, or fawn, bob white, grouse or pheasant. It shall be unlawful to kill, trap, snare, or in any manner injure or destroy, any carrier or homing pigeon, the property of another.

Sec. 13. No game or fish shall be held in possession more than five days after the close of the season for the taking or killing of the same.

Sec. 14. Every person who takes, kills or destroys, or has in his possession, whether taken or killed in the State of Arizona, or shipped into the state from any other state, any Javelinas or Pecarris (common name Wild Hog), or Beaver, for the period ending December 31, 1922, shall be guilty of a misdemeanor.

Sec. 15. No game shall be pursued, wounded, taken or killed, with a steel or hardpointed bullet, nor shall any person use in the pursuit, taking, wounding, or killing of any animals, birds, or fish, protected by this title any net, seine, trap, cage, snare, salt lick, blind, scaffold, deadfall, pit, snaghook, trout line, artificial light or similar device whatever; provided, that dogs, blinds, sinks, and decoys may be used in hunting birds.

Sec. 16. Any person who at any time shall buy, sell or barter, any bird, fish, or animal protected by this act, shall be guilty of a misdemeanor. Any person who, during the time when the killing or taking thereof is prohibited, shall transport or attempt to transport any bird, fish or animal, or part thereof, shall be guilty of a misdemeanor. Any person who at any time shall transport or attempt to transport from the state, any bird, fish or animal protected by this act, or any part of any such protected game or fish, shall be guilty of a misdemeanor. Except in cases where by other sections of this act such shipments are specifically authorized.

Sec. 17. Every net, trap, explosive, poisonous or stupefying substance or device, or rifle using steel or hard nosed bullets, use, or intended for use, in taking or killing game or fish in violation of this title, and set, kept, or found in or upon any of the streams or waters of this state, or upon the shores thereof, and every trap, device, blind or deadfall found baited in violation of this title, is hereby declared a nuisance and may be abated and summarily destroyed by any person, and it shall be the duty of every officer authorized to enforce this title to seize same, and hold same pending a prosecution of the person from whom taken, and such property so seized may thereafter be destroyed, except that firearms shall not be destroyed but returned to owner after prosecutions have ended, fines have been paid or sentence served by person from whom firearms are taken, and no prosecution or suit shall be maintained for such destruction; provided, that nothing in this title shall be construed as affecting the right of the State Game Warden to use means as may be proper for the promotion of game and fish propagation and culture.

Sec. 18. Every person who buys, sells, offers or exposes for sale, barter or trade, the hide, pelt or skin of any deer, or other portion of a deer carcass, or who transports, carries, or has in his possession, the skin, pelt, or hide of any female deer, or spotted fawn, or any deer hide, or

pelt, from which the evidence of sex has been removed, is guilty of misdemeanor.

Nothing in this act is intended to prevent any person from having tanned or mounted, any bird, fish or animal or part thereof which is taken by himself legally.

Sec. 19. It shall be unlawful for any person in the State of Arizona to use a gun of larger calibre than that commonly known and designated as number ten gauge, for the purpose of destroying any wild turkey, dove, quail, wild duck, goose, snipe or rail.

Sec. 20. It shall be unlawful for any person in the State of Arizona to take, gather, or destroy, or have in possession at any time, the eggs of any quail, bob white, partridge, grouse, pheasant, dove, wild turkey, wild duck, wild goose, brant, snipe, or any song bird of any kind.

Sec. 21. It shall be unlawful for any person to shoot a revolver, rifle, or shot gun of any calibre or gauge, upon, from or across any public highway of the State of Arizona, where there is cultivated land or dwelling houses either side thereof, or where shot from such gun shall fall in, or pass over any cultivated land or dwelling houses, or among stock or other animals grazing on land contiguous to such public highway.

Sec. 22. It shall be unlawful for any person in the State of Arizona, at any time to hunt, pursue, kill or destroy any lark, thrush, sparrow, swallow, grosbeak, or tanager, or any other song bird of any kind, provided, that nothing in this title be so construed as to interfere with the collection of birds for scientific purposes by the Curator of the State Museum, or by any other person authorized by the State Game Warden of this state to collect.

Sec. 23. It shall be unlawful for any Indian in the State of Arizona, at any time, to hunt, take, pursue, kill, or destroy, any game or fish mentioned in title, off the Government Reservation to which he belongs, except as otherwise provided in this act.

Sec. 24. It shall be the duty of the State Game Warden, and he shall have the authority to procure the printing of all forms and blanks that may be required to carry out the intent of this title and not inconsistent herewith, and all necessary blanks shall be furnished by him to the several license collectors. No license shall be issued except on an application sworn to by the applicant, and any false statement in any application shall render the license issued thereon void. Every license collector shall keep a correct complete record of every license issued by him, which record shall remain in his office and be open to inspection of the public at all times. All moneys collected for license shall be sent to the State Game Warden on or before the tenth day of the month following, and license collectors shall report to the State Game Warden the number of licenses issued, and the amount of money remitted. The State Game Warden shall account for all money received by him and deposit same with State Treasurer, who shall credit it to the State Game Protection Fund.

Sec. 25. All moneys received under provisions of this act in payment of hunting license, permits, certificates, fines, penalties, or forfeitures, shall constitute a fund to be known as the State Game Protection Fund, to be used and available for the payment of the printing, publishing of reports, postage, express, and other necessary and office expenses, and the per diem salaries and necessary expenses of deputies; for the purchase, transportation, distribution and propagation of game and fish. The State Game Warden shall not issue any voucher, nor shall the State Auditor approve any such voucher issued by the State Game Warden under the provisions of this title, or otherwise, for any services or expenses of any kind, unless the money to pay such voucher shall at the time be on hand to pay the same.

Sec. 26. All moneys collected for fines under this title shall be immediately paid over by the Justice of the Peace or Clerk of Court collecting or receiving the same, who shall divide same and pay one-half to the State Game Warden, to be by him credited to the State Game Protection Fund. And one-half to the person or deputy instituting the prosecution, except in cases where such prosecution is instituted by salaried officers, in which case such fines shall all be paid over to the State Game Warden to be by him deposited with State Treasurer to the Game Protection Fund.

Sec. 27. The State Game Warden shall keep a record of all money received and all licenses, certificates, permits and tags issued by him, numbering each class separately. Upon satisfactory proof that any license, certificate, or permit has been lost before the expiration thereof, he may issue a duplicate therefor, for which the applicant shall pay the sum of ten cents.

Sec. 28. The people of Arizona, subject to the provisions of this act, shall have the right to fish and hunt upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries; and no land owned by the state shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within the state for the purpose of fishing in any water containing fish that have been planted therein by the state, or water containing fish that have been furnished by State or U. S. Bureau of Fisheries.

Sec. 29. The necessary and ordinary fees and expenses of every posse lawfully summoned and engaged in the enforcement of this title shall be taxed as part of the costs, and if not collected from the person liable therefor, shall be paid out of the Game Protection Fund.

Sec. 30. Whenever, upon conviction, the person convicted fails to pay the fine and costs imposed upon him, if over eighteen years of age, he shall be kept confined one day for each dollar of the fine and cost adjudged against him and he shall not be discharged or released therefrom by any board of officers, except upon the payment of the portion of the fine and costs remaining unserved or upon the order of the Governor of this state.

Sec. 31. If the holder of any license shall persistently, or flagrantly, or knowingly, violate or countenance the violation of any of the provisions of the game laws, such license shall be revoked by the Game Warden after due notice shall have been given the alleged violator and opportunity afforded him to appear and show cause against the revocation of such license.

Sec. 32. In any prosecution under this title, any participant in violation thereof, when so requested by the County Attorney, State Game Warden, or other officers, instituting the prosecution, may testify as witness against any other persons charged with such violation, and his evidence so given shall not be used against him in any prosecution for such violation.

Sec. 33. It shall be the duty of every Justice of the Peace and Clerk of the Court before whom any prosecution under this title may be commenced, or shall go on appeal, and within twenty days after the trial or dismissal thereof, to report in writing the results thereof, and the amount of fines collected, if any, and the disposition thereof, to the State Game Warden.

Sec. 34. The State Game Warden under such rules as may be established by the commission named in this act, may issue permits to any person to take, capture, kill, transport within or out of the state, or import into the state, any game, birds, or fish mentioned in this title, at any time when satisfied that such person desires the same exclusively as specimens for scientific or propagating purposes. Such permits shall be in writing and shall state the kind and number to be taken and the manner of taking, the name of the person to whom issued, and if imported into the state, the name of the state or county from which shipped, and the name of the person shipping such game, birds or fish and shall be signed by him, and such permit shall not be transferable nor shall it be lawful to sell or barter any of the animals, birds, or fish, taken or imported under such permit, for food purposes, and the holder of such permit shall be liable to the penalties provided in this title if he violates any of its provisions.

Sec. 35. The Conservation Commission may authorize the retention, by any resident of this state, of any young animal which has been abandoned by its mother and taken in good faith for the purpose of saving its life, but not more than two such animals shall be redeemed by one person at the same time. He may also at any time, in any manner take any game running at large within the state, for the purpose of propagating in any other part of the state.

Sec. 36. The Conservation Commission, if it so elect, or any other officer charged with the enforcement of the laws relating to game and fish, if so directed by the Conservation Commission, shall bring civil action in the name of the state against any person unlawfully wounding or killing, or having unlawfully in possession, any game, quadruped, bird, or fish, or part thereof, and recover judgment for each such animal or part thereof, the following minimum sums as damages for the taking, killing or injuring thereof to-wit:

For each Elk.....	\$200.00
For each Deer.....	100.00
For each Antelope.....	200.00
For Mountain Sheep or Goat.....	200.00
For each Bird.....	10.00
For each Fish.....	1.00

No judgment or verdict recovered by the state in such action shall be less than the sum hereinbefore fixed. Such action and damages may be joined with the action for possession and recovery had for the possession and also the damages therefor, aforesaid. Neither the pendency nor the determination of such action, nor the payment of such judgment, nor the pendency nor determination of a criminal prosecution for the same taking, wounding, killing or possession, shall be a bar to the other, nor affect the right of the other.

Sec. 37. The commission created by this act may in its discretion or upon information furnished to the commission, that any species of game animal, game birds, or game fish have become a menace to the agriculture, health or other interests of any particular community in the State of Arizona, may investigate and determine the nature and estimate of such probable damage or injury to that community, and may by proclamation define the boundaries of the community which is so menaced, and may in such proclamation make such order as will permit the taking, killing or other disposition of the fish, game or birds which effect the menace so found by the commission, and may make such other order in said proclamation as may be necessary to eliminate possible damage on account thereof. And in said proclamation state the period to be applied to the community district so outlined therein, within which the provision

of this law relative to taking, hunting, killing and pursuing game animals, game fish and game birds shall or may be suspended. that action may be taken by officers and private persons in conformity with the terms, conditions and provisions of the proclamation so made.

Sec. 38. The English or European sparrow, great horned owl, and all species of hawks, are not included among the birds protected by this title. Nor are succors, buffalo or carp to be included among the fish protected by this act.

Sec. 39. Prosecution under this title may be commenced within one month from the date of violation of any of the provisions of this title, either by complaint or information.

Sec. 40. Nothing in this title shall prevent a citizen of the State of Arizona from taking or keeping any wild bird in any cage, as a domestic pet, provided that such bird shall not be sold or exchanged or offered for sale or exchange, or transported out of this state.

Sec. 41. It shall be unlawful for any person or persons to catch, kill, or have in his or their possession, any species of trout, or game food fish found in any of the public streams or waters of this state, unless said fish has been taken with a hook and line attached to rod or held in the hand, and any person or persons, catching, killing, or having in their possession, any such fish, taken in any other maner, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment, in the discretion of the court, and every fish caught or killed in violaton hereof, shall constitute a separate and distinct offense.

Sec. 42. Any person convicted of violating any of the criminal provisions of this title shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for not less than ten days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 43. Each Sheriff, Deputy Sheriff, Constable, and Live-Stock Sanitary Inspector is hereby appointed and designated a State Deputy Game Warden, without extra compensation. The State Game Warden may appoint such additional Deputy Game Wardens as to him may seem proper (and may remove them from office). Each such deputy shall be a resident of the county from which appointed, and shall be especially charged with the duty of enforcing the fish and game laws in their respective counties, and may be designated as license collectors. Each deputy so appointed shall qualify by filing with the State Game Warden an oath of office in the form prescribed by law for a state officer. It shall be the duty of the State Game Warden and of each State and County Game Warden to rigidly and strictly enforce the provisions of this law and all other laws of the State of Arizona for the protection of fish and game of whatsoever kind or description, and to institute or cause to be instituted prosecutions for any and all violations of such laws, and to arrest, or cause to be arrested all violators of such laws and to lodge accusations against them in a court of competent jurisdiction in the premises; to gather evidence on behalf of the prosecution of such offenders and to do all things necessary to the punishment hereunder and under the laws of this state on the subject of fish and game and the protection thereof. For failure to arrest and prosecute any person violating the provisions of this or other laws of the State of Arizona for the protection of fish and game such State Game Warden or such deputy shall be liable to a fine of not less than one hundred dollars and not more than two hundred and fifty dollars, or by imprisonment for not less than thirty days and not

more than ninety days, or by both such fine and imprisonment; provided, that such violation come within the knowledge of such State Game Warden or deputy. The conviction thereof shall also operate as a removal of such person from office. The State Game Warden shall have power to pay such deputies as he shall designate for specific duties a per diem of four dollars and actual necessary expenses while under the direct order of the State Game Warden in the performance of duties in enforcing the fish and game laws; provided, that the State Game Warden shall not designate deputies for services requiring per diem or expenses for specific duties except when there are sufficient funds in the Game Protection Fund to pay for such services. The salaries, per diem, and expenses of the deputies may be paid semi-monthly upon verified vouchers under oath, approved by the State Game Warden, out of the Game Protection Fund.

Sec. 44. Any person desiring to engage in the business of raising and selling domesticated game birds or mammals of any species in a wholly enclosed preserve containing 20 acres or more of which he is the owner or lessee, may make application in writing to The Arizona Conservation Commission for a license so to do. The said Arizona Conservation Commission, when it shall appear that the said application is made in good faith, shall, upon the payment of a fee of two dollars and fifty cents, issue to such applicant a breeder's license permitting such applicant to breed and raise domesticated game on such preserve or entire island and to sell the same alive at any time for breeding and stocking purposes, to kill and transport same and sell the carcasses thereof for food, as hereinafter provided. Such license shall be posted or displayed in a conspicuous place on such preserve or entire island and shall expire on the last day of December in each year at midnight.

Sec. 45. No domesticated game killed as aforesaid and intended for sale shall be shipped, transported, sold or offered for sale unless each quarter and each loin of each carcass of each deer and the carcass of each bird or small mammal shall have been tagged, under the supervision of The Arizona Conservation Commission, with a tag or seal which shall be supplied by said commissioners, and all domesticated game excepting deer sold under the provisions of this act must be killed otherwise than by shooting. The quarters and loins of the carcasses of such deer, and the carcass of such small game birds or mammals when tagged as aforesaid may be possessed, sold or offered for sale at any time. Every regular assistant or person designated by whom such deer or small game bird or mammal shall have been tagged, shall, within five days thereafter, make and file with The Arizona Conservation Commission a written report thereof, which shall contain a statement of the name of the person by whom such game was bred or raised and killed, the number of each species so killed and the name of the person or persons to whom such game were sold or to whom they were transported.

Sec. 46. Common carriers may receive and transport at any time the carcasses or parts thereof of said domesticated game tagged as aforesaid, but to every package containing such carcass or parts thereof shall be affixed a tag or label upon which shall be plainly printed or written the name of the person to whom such license was issued and by whom such game was killed, the name or names of the person or persons to whom such game is to be transported, the name of the regular assistant or other person by whom such game was tagged, the number of carcasses or portions thereof contained therein and that the game was killed and tagged in accordance with the provisions of this section.

Sec. 47. No person shall sell or offer for sale any game killed and tagged as aforesaid, without first obtaining a license so to do from The Arizona Conservation Commission, upon such terms and conditions as the

said commissioners may prescribe, and any such license may be revoked for sufficient cause at the pleasure of the said commission.

Sec. 48. The said tags or seals shall remain affixed, as aforesaid, until the quarters or loins of each deer or the carcasses of such small game birds or mammals shall have been wholly consumed and the sale of a quarter or loin or any larger portion of such deer or the carcass of any such small game bird or mammal which shall not at the time have affixed thereto the tag or seal aforesaid, shall constitute a violation of this section; provided, however, that the keeper of a hotel or restaurant, boarding house or retail dealer in meat or a club may sell portions of a quarter or loin of any such deer, or the carcass of any such small game bird or mammal, to a patron or customer for actual consumption and no license shall be required of such person or club.

Sec. 49. On or before the first day of January of each year every person to whom a license shall have been issued, as aforesaid, shall make a report to The Arizona Conservation Commission, which said report shall state the total number of game birds or mammals killed, sold or transported, as permitted by the provisions of this section during the year preceding. Such report shall set forth the name of the person to whom such game birds or mammals were sold or transported, the name of the regular assistant or person designated in whose presence such game birds or mammals were tagged and shall also give a complete list of the game birds or mammals held in his possession at the time the report is made. Such report shall be verified by the affidavit of the person to whom such license was issued, or if the license was issued to a corporation, then by an officer thereof.

Sec. 50. Any person to whom such license shall have been issued may sell and ship alive in or out of the state such game birds and mammals and all common carriers and transportation companies may receive and carry in or out of the state such live game birds and mammals upon such terms and conditions as the said commissioners may prescribe.

Sec. 51. For the purpose of this act it shall be lawful for The Arizona Conservation Commission to have trapped or taken alive any of the game birds or animals and delivery of them to any person engaged in the domestication and sale of such game birds or mammals in this state at a price to be fixed by The Arizona Conservation Commission.

Sec. 52. All moneys received from the sale of any game birds or mammals, or tags provided for in this act and all fines and forfeitures imposed and collected for any violation of the provisions of this act shall be paid into the state treasury to the credit of the State Game Protection Fund.

Sec. 53. A preserve used for the breeding of any species of deer, pursuant to this section, shall be surrounded by a fence of wire or other material of a pattern to be approved by the Arizona Conservation Commissioners and of a height of not less than six feet.

Sec. 54. The provisions of any law relating to the protection or possession of game in its wild state shall not apply to game raised or possessed under the provisions of this act.

Sec. 55. Every provision of Title XVIII of the 1913 Penal Code of Arizona, and all provisions amendatory thereof by initiative or otherwise, except as appears herein by way of amendment or revision, are hereby repealed.

Filed June 22, 1920.

AN ACT

CREATING A STATE CIVIL SERVICE COMMISSION; DEFINING ITS POWERS AND DUTIES; PROVIDING FOR THE CLASSIFICATION OF ALL OFFICES AND PLACES OF EMPLOYMENT IN THE SERVICE OF THE STATE, WITH CERTAIN ENUMERATED EXCEPTIONS; DEFINING, ESTABLISHING AND REGULATING THE CLASSIFIED CIVIL SERVICE OF THE STATE; PROVIDING FOR THE EXAMINATION, APPOINTMENT AND EMPLOYMENT OF APPLICANTS FOR OFFICES OR PLACES OF EMPLOYMENT IN THE CLASSIFIED CIVIL SERVICE; GIVING PREFERENCE TO FORMER SOLDIERS AND SAILORS IN CERTAIN CASES; PROVIDING FOR THE SUSPENSION OR REMOVAL, FOR CAUSE, OF INCUMBENTS OF SUCH OFFICES AND PLACES OF EMPLOYMENT; PROTECTING SUCH INCUMBENTS FROM UNLAWFUL SUSPENSION OR REMOVAL; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ACT; AND REPEALING ALL LAWS IN CONFLICT HEREWITH.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SECOND DAY OF NOVEMBER, 1920.

By Initiative Petition of the people filed in the office of the Secretary of State June 29, 1920, in accordance with the provisions of Paragraph 3328, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

CREATING A STATE CIVIL SERVICE COMMISSION; DEFINING ITS POWERS AND DUTIES; PROVIDING FOR THE CLASSIFICATION OF ALL OFFICES AND PLACES OF EMPLOYMENT IN THE SERVICE OF THE STATE, WITH CERTAIN ENUMERATED EXCEPTIONS; DEFINING, ESTABLISHING AND REGULATING THE CLASSIFIED CIVIL SERVICE OF THE STATE; PROVIDING FOR THE EXAMINATION, APPOINTMENT AND EMPLOYMENT OF APPLICANTS FOR OFFICES OR PLACES OF EMPLOYMENT IN THE CLASSIFIED CIVIL SERVICE; GIVING PREFERENCE TO FORMER SOLDIERS AND SAILORS IN CERTAIN CASES; PROVIDING FOR THE SUSPENSION OR REMOVAL, FOR CAUSE, OF INCUMBENTS OF SUCH OFFICES AND PLACES OF EMPLOYMENT; PROTECTING SUCH INCUMBENTS FROM UNLAWFUL SUSPENSION OR REMOVAL; PRESCRIBING PENALTIES FOR

THE VIOLATION OF THIS ACT; AND REPEALING ALL LAWS IN CONFLICT HEREWITH.

If you favor the above law, vote YES; if opposed, vote NO.

306 Yes.

307 No.

(On Official Ballot Nos. 306 and 307.)

AN ACT

CREATING A STATE CIVIL SERVICE COMMISSION; DEFINING ITS POWERS AND DUTIES; PROVIDING FOR THE CLASSIFICATION OF ALL OFFICES AND PLACES OF EMPLOYMENT IN THE SERVICE OF THE STATE, WITH CERTAIN ENUMERATED EXCEPTIONS; DEFINING, ESTABLISHING AND REGULATING THE CLASSIFIED CIVIL SERVICE OF THE STATE; PROVIDING FOR THE EXAMINATION, APPOINTMENT AND EMPLOYMENT OF APPLICANTS FOR OFFICES OR PLACES OF EMPLOYMENT IN THE CLASSIFIED CIVIL SERVICE; GIVING PREFERENCE TO FORMER SOLDIERS AND SAILORS IN CERTAIN CASES; PROVIDING FOR THE SUSPENSION OR REMOVAL, FOR CAUSE, OF INCUMBENTS OF SUCH OFFICES AND PLACES OF EMPLOYMENT; PROTECTING SUCH INCUMBENTS FROM UNLAWFUL SUSPENSION OR REMOVAL; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ACT; AND REPEALING ALL LAWS IN CONFLICT HEREWITH.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. There is hereby created a State Civil Service Commission consisting of three persons appointed by the Governor, by and with the advice and consent of the Senate. On the first Monday in February, 1921, after this act shall take effect the Governor shall, by and with the advice and consent of the Senate, appoint three citizens as Civil Service Commissioners to hold office, one for two years, one for four years, and one for six years from the date of their respective confirmations by the Senate, and until their respective successors are appointed and qualified, and they shall constitute the State Civil Service Commission, and on the first Monday of February, 1923, and at the end of every two years thereafter, the Governor shall, in like manner and by and with the advice and consent of the Senate, appoint one person as the successor of the commissioner whose term shall expire in that year, to serve as such commissioner for six years, and until his successor is appointed and qualified; provided, that no person whose nomination or appointment as such commissioner shall have been rejected by the Senate shall be eligible to hold said office under recess appointment. Two commissioners shall constitute a quorum. All appointments to said commission, both original and to fill vacancies, shall be so made that not more than two members shall, at any one time, be members of the same political party. Said commissioners shall hold no other lucrative office or employment under the United States, the State of Arizona, or under any political division or municipal corporation thereof. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by the Constitution of this state.

Sec. 2. The Governor may remove any commissioner for want of moral character, incompetency, neglect of duty or malfeasance in office. The Governor shall at the same time report in writing any such removal to the Senate, with his reasons therefor. If the Legislature is not then in session, such report shall be filed in the office of the Secretary of

State, and shall be transmitted by him to the Senate within ten days after the commencement of the next session. In case of vacancy in the office of commissioner, the unexpired term shall be filled by appointment by the Governor, by and with the advice and consent of the Senate. When the Senate is not in session the Governor may make appointments and fill vacancies in the commissionerships hereby created; but all appointments made when the Senate is not in session shall be subject to be confirmed by the Senate at its next session before becoming permanent. No person shall be appointed a member of the State Civil Service Commission who has not been a citizen of the United States and a citizen of the state for five years next preceeding his appointment and who has not attained the age of twenty-five years.

Sec. 3. Said commissioners shall within four months after their appointment classify all the offices and places of employment in the state service, except as provided in Section 15 of this act, with reference to the duties thereof, for the purpose of establishing grades and for the purpose of fixing and maintaining standards of examinations hereinafter provided for. Such classification shall include all offices and places of employment now in existence or which may hereafter be created in the state service of the State of Arizona, except those expressly exempted from the operation of this act in Section 15 hereof. The offices and places so classified by the commission shall constitute the classified Civil Service of the state, and no appointments to any such offices or places shall be made except under and according to the provisions of this act and the rules hereinafter mentioned.

Sec. 4. The commission shall ascertain the duties of each office and place in the classified service and designate by rule the grade of each position. Each grade shall comprise offices and places having substantially similar duties. The commission shall by rule indicate the lines of promotion from each lower grade to a higher grade, wherever the experience derived in the performance of the duties of such lower grade tends to qualify for performance of duty in such higher grade. The commission shall by rule prescribe standards of efficiency for each grade and for examinations of candidates for appointment thereto. The commission shall standardize employment in each grade and make and keep record of the relative efficiency of each officer and employee in the classified service. It shall provide by rule methods for ascertaining and verifying the facts from which such records of relative efficiency shall be made, which shall be uniform for each grade of the classified service.

Sec. 5. Said commission shall make rules to carry out the purposes of this act, and for examinations, appointments, transfers and removals and for maintaining and keeping records of the efficiency of officers and employees, and groups of officers and employees in accordance with the provisions of this act, and said commission may from time to time make changes in such rules.

Sec. 6. All rules made as hereinbefore provided, and all changes therein, shall forthwith be printed for distribution by the said commission; and the commission shall give notice of the place or places where said rules may be obtained by publication in one or more newspapers published in each county in the state, and in each publication shall be specified the date, not less than ten days subsequent to the date of such publication, when said rules shall go into operation. Copies of all said rules and of all changes therein duly certified by the secretary of the commission, shall be filed in the office of the Secretary of State, and shall also be sent to the County Recorder of each county in the state within ten days after the adoption thereof, and shall by said County Recorder be filed, preserved, indexed and recorded in well bound books kept for that

purpose, while files and records shall be open to inspection by the public at all reasonable hours.

Sec. 7. All applicants for offices or places in said classified service, except those mentioned in Section 15 hereof, shall be subjected to examination, which shall be public, competitive and free to all citizens of the State of Arizona, with limitations specified in the rules of the commission as to residence, age, sex, health, habits, moral character and qualifications to perform the duties of the office or place to be filled, which qualifications shall be prescribed by rule in advance of such examination, provided, however, that in examinations for technical positions citizenship may be waived. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications and health, and when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the state, to be examiners; and it shall be the duty of such examiners, and if in the official service it shall, without extra compensation, be a part of their official duty to conduct such examination as the commission may direct, and to make return or report thereof to said commission; and the commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected, and the commission may themselves at any time act as such examiners and without appointing examiners.

Sec. 8. Notice of the time and place and general scope of every examination shall be given by the commission by publication, for two weeks preceding such examination, in one or more newspapers of general circulation published in each county of the state, and such notice shall also be posted by said commission in a conspicuous place in their office for two weeks before such examination. Such further notice of examination shall be given as the commission shall prescribe. Written or printed notice of every examination shall also be sent by the commissioners to the County Recorder of each county in the State and by him, promptly upon its receipt, be posted in a conspicuous place in the court house of such county.

Sec. 9. From the returns or reports of examiners, or from the examinations made by the commission the commission shall prepare a register for each grade or class of positions in the classified service of the state for the persons who shall attain such minimum mark as may be fixed by the commission for any part of such examination and whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

Sec. 10. The commission shall note of record the duties (whether imposed by law, official regulations or practice) of each office or place in the classified service. It shall thereupon by rule fix lines of promotion from such several offices and places to superior offices and places in all cases, where, in the judgment of the commission, the duties of such several positions directly tend to fit the incumbent for a superior position. In case of vacancy in superior offices or places, which can not be filled by reinstatement, the commission shall hold promotion examinations to fill such vacancy. Incumbents of offices or places next lower in the line so fixed shall be solely eligible for such examination unless in the judgment

of the commission, to be noted in its minutes with the grounds therefor, it is for the best interests of the service that original examinations for such vacancy be held. In promotional examinations, efficiency and seniority in service shall form a part of such examination, but combined, shall not carry a total number of marks to exceed one-quarter of the maximum mark attainable in such examination. All examinations for promotion shall be competitive. The method of examination, the rules governing the same, and the method of certifying shall be the same as provided for in original examinations.

Sec. 11. Whenever a position classified under this act is to be filled, the appointing officer shall make requisition upon said commission, and the commission shall certify to him the name and address of the three candidates standing highest upon the register of eligibles. The appointing officer shall make selection for the first vacancy from the three highest names certified or on the register, with sole reference to merit and fitness, unless objection shall be made, and sustained by the commission, to one or more of the persons certified. The appointing officer shall notify the commission of each position to be filled separately and shall fill such position by the appointment of one of the persons certified to him by said commission therefor, which appointment shall be on probation for a period of not more than six months to be fixed by said rules. At any time during the period of probation, the appointing officer may discharge a person so certified and shall forthwith notify the commission in writing of such discharge. If such person is not thus discharged, his appointment shall be deemed complete.

Sec. 12. The commission may refuse to examine an applicant or to certify an eligible for any of the following reasons: (a) dismissal from the service for delinquency or misconduct within one year next preceding the date of his application; (b) physical or mental unfitness for the position for which he applies; (c) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (d) intentionally making a false statement in any material fact, or practicing any deception or fraud in securing examination, registration, certification, or appointment; (e) refusal to furnish testimony to the commission or its authorized representatives in regard to matters inquired of arising under the Civil Service Act and rules and to subscribe such testimony and make oath or affirmation to the same before some officer authorized by law to administer oaths; (f) the habitual use of intoxicating liquors. Any of the last five foregoing disqualifications shall be good cause for removal from the service.

Sec. 13. All persons who were enlisted or commissioned in the military or naval service of the United States, including members of the Army Nurse Corps, between April 21st, 1898, and April 11th, 1899, and between April 6th, 1917, and November 11th, 1918, or who were enlisted or commissioned in the military or naval service of the United States in any war, and who were honorably discharged therefrom, shall be preferred for appointment to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, and it shall be the duty of the examiner or commissioner certifying the list of eligibles who have taken the examination provided for in this act, to place the name or names of such persons at the head of the list of eligibles to be certified for appointment.

Sec. 14. When there is no eligible list, the appointing officer may, with the authority of the commission, make temporary appointments to remain in force only until regular appointments under the provisions of this act can be made. In employment of an essentially temporary and transitory nature, the appointing officer may, with the authority of the commission, make temporary appointments to fill a vacancy, but no such

authority shall be granted for a period of more than thirty (30) days, but it may be renewed from time to time by the commission. The commission shall include in its annual report, and if thereunto required by the Governor, in any special report, a statement of all temporary authorities granted or renewed during the year or period specified by the Governor, together with a statement of the facts in each case because of which such authority was granted. The acceptance or refusal by any eligible person of a temporary appointment shall not affect the standing on the register for permanent appointment.

Sec. 15. The classified civil service, as defined and established by this act, shall not include: (1) Officers elected by the people; (2) Judges or officers appointed by the Judge or Judges of any court, Clerks of Court, officers or employees of the Legislature or either House thereof; (3) Offices, positions or places of employment in the military service of the state; (4) Notaries Public; (5) Officers appointed by the Governor by and with the advice and consent of the Senate; (6) One private secretary and one stenographer for each elective officer in the executive department; (7) Regular or special assistant attorneys general, or law clerks, special investigators or special attorneys employed by the Attorney General or by the Civil Service Commission, or by any board; (8) Presidents, deans, principals, professors, instructors, scientific staff or other teachers of the University of Arizona or of the State Normal Schools; (9) Employees of the executive mansion; (10) The superintendent of capitol building and grounds; (11) Bank examiners, examiners of building and loan associations, insurance actuaries or examiners of insurance companies; (12) The chief examiner of the Civil Service Commission; (13) Superintendents, wardens or chaplains in the state charitable, penal and correctional institutions; (14) Clerks and watchmen in the offices of the Governor; (15) Members of the commission on state institutions; (16) Members of the State Land Commission; (17) Members of the Live Stock Sanitary Board; (18) Members of the Sheep Sanitary Commission; (19) Members of the Board of Pardons and Paroles; (20) Members of the Arizona Commission of Agriculture and Horticulture; (21) Members of the State Fair Commission; (22) Commissioners for promotion of uniformity of legislation in the United States; (23) Members of the Board of Curators of the State Library; (24) Members of the Board of Examiners for the examination of applicants for admission to the bar; (25) Members of the Board of Dental Examiners; (26) Members of the Board of Medical Examiners; (27) Members of the Board of Pharmacy; (28) Members of the State Board of Embalming; (29) Members of the State Board of Examiners in Optometry; (30) Positions to which no pecuniary remuneration is attached. In the University of Arizona and in the State Normal School students may be employed under the rules of the Civil Service Commission without examination or certification.

Sec. 16. No officer or employee in the classified civil service of the state shall be removed, discharged or reduced in rank or pay by the appointing officer for political, racial or religious reasons.

Sec. 17. No officer or employee in the classified civil service shall be removed or discharged except for cause upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said Civil Service Commission, or by or before some officer or board appointed by said commission to conduct such investigation. The findings and decision of such investigating officer or board, when approved by said commission, shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing

in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. Every such suspension shall be without pay. Provided, however, that the commission shall have authority to investigate every such suspension, and in case of its disapproval thereof, it shall have the power to restore pay to the employee so suspended. In the course of any investigation provided for in this act each member of the commission, and of any board so appointed by it, and any officer so appointed, shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses, and the production of books and papers. Nothing in this section shall be construed to require such charges in case of laborers or in case of persons having the custody of public money for the safe keeping of which another person has given bonds.

Sec. 18. Immediate notice in writing shall be given by the appointing power to said commission of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations or vacancies from any cause in such service and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said commission.

Sec. 19. The commission shall investigate the efficiency of all officers and employees and of all groups of officers and employees in the classified service and shall report to each officer, board or other authority in charge of any institution, office or department of the state government its findings and recommendations relative to increasing efficiency and economy therein. In case the recommendations made by the commission are not carried into effect within a reasonable time, or in case of a difference of opinion with reference to such findings or recommendations between the commission and the officer, board or other authority in charge of an institution, office, or department concerned in any such finding or recommendation, the report accompanied by a note of the relevant facts shall be transmitted to the Governor by the commission. The commission shall investigate the enforcement of this act and of the rules of the commission, the conduct of the appointees in the classified service, and the methods of administration therein, and may investigate the nature, tenure and compensation of all offices and places in the civil service of the state. In the course of such investigation each commissioner shall have power to administer oaths and said commission shall have power to secure by its subpoena both the attendance and the testimony of witnesses and the production of books and papers.

Sec. 20. Said commission shall, on or before the 1st day of December of each year, make to the Governor a report showing its own action, the rules in force, the practical effects thereof and any suggestions it may approve for the more effectual accomplishment of the purpose of this act. The Governor may require a report from said commission at any other time.

Sec. 21. Said commission shall select one of its members as president and shall employ a chief examiner whose duty it shall be, under the direction of the commission, to superintend examinations, and who shall perform such other duties as the commission shall prescribe. The chief examiner shall be ex-officio secretary of said commission, under the direction of the commission. He, as such secretary, shall keep the minutes of the proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the commission shall prescribe.

Sec. 22. All officers of the state shall aid said commission in all proper ways in carrying out the provisions of this act. The Secretary of State shall cause suitable rooms to be provided for said commission at Phoenix, Arizona. It shall be the duty of the officers of the state or of any civil division thereof, at any place where examinations are directed by the commission, or by its rules to be held, to allow reasonable use of public buildings and rooms and to heat and light the same for holding such examinations and use all proper ways to facilitate the same. The commission shall meet in Phoenix, Arizona, at least once in each calendar month except July and August.

Sec. 23. Each of said commissioners shall receive a per diem of ten dollars per day while actually engaged in the business of said commission and necessary traveling and hotel expenses incurred by them in the discharge of their duties. The chief examiner and ex-officio secretary of said commission shall receive a salary of five thousand dollars per annum payable in twenty-four semi-monthly installments. Any person not at the time in the official service of the state serving as a member of the board of examiners or of a trial board shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of a trial board at the rate of not exceeding ten dollars per day and necessary traveling expenses. Said commission may also incur necessary expenses for clerk hire, stationery, printing and other incidental expenses, and the said salaries and expenses shall be allowed and paid upon a verified statement, approved by the commission to the State Auditor of the amount due. The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for such amounts and the State Treasurer is hereby authorized and directed to pay the same. There is hereby annually appropriated, out of the general fund in the state treasury, a sum sufficient to carry out the provisions of this act.

Sec. 24. No person or officer shall wilfully or corruptly, by himself, or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right of examination hereunder; or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing; or wilfully or corruptly make any false representation concerning the same or concerning the person examined; or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted. And no applicant for any examination shall wilfully or corruptly by himself, or in co-operation with one or more persons, deceive the said commission with reference to his identity, or wilfully or corruptly make any false representations in his application for any examination or commit any fraud for the purpose of improving his prospects or chances in such examination.

Sec. 25. No officer, employee or other person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution of money or other thing of value for any candidate, party or any political purpose whatsoever, from any officer or employee in the classified service of the state.

Sec. 26. No officer or employee of the state shall discharge or degrade or promote, or in any manner change the official rank or compensation of any officer or employee in the classified service of the state, or promise or threaten to do so, for giving or withholding or for failure to make any contribution of money or other valuable thing, for any candidate, party or for any political purpose or for refusal or for failure to render political service to any candidate or political party.

Sec. 27. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay, any money or other valuable thing to any person whatever, for or on account of his appointment or proposed appointment, and no officer or employee in the classified service of the state shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever, for or on account of his promotion or proposed promotion.

Sec. 28. No applicants for appointment or promotion in said classified civil service shall ask for or receive any recommendation or assistance from any officer or employee in said service or from any person, upon the consideration of any political service to be rendered to or for such person, or for the promotion of such person to any office or appointment.

Sec. 29. No person, while holding an office or position in the classified service of the state, or in nomination for or while seeking a nomination for or appointment to any such office, shall corruptly use or promise to use, either directly or indirectly any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment in the classified service, or any nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote or political influence or action of the last named person or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

Sec. 30. No officer of the executive department of the state shall approve any voucher for any claim of any public officer for the services of any person employed in the classified service of the state in violation of the provisions of this act.

Sec. 31. The commission shall certify to the State Auditor all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation or death; and all findings made or approved by the commission that a person shall be discharged from the classified civil service under the provisions of Section 17 of this act.

Sec. 32. No treasurer or other officer, agent or employee of the state shall approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services as an officer, agent or employee in the service of the state, unless such person is occupying or has occupied an office or place of employment according to the provisions of law and has actually performed the duties thereof and is entitled to payment therefor.

Sec. 33. It shall be unlawful for the auditor or any other officer, agent or employee of the state to draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the treasurer, or any disbursing officer of the state, for the payment of, or for the treasurer or other disbursing officer of the state to pay any salary or compensation to any officer, clerk or other person in the classified service of the state, unless on an estimate, payroll or account for such salary or compensation containing the names of the persons to be paid and a statement of the amount to be paid, and the matter on account of which the same is to be paid, shall be filed with him, bearing the certificate of the State Civil Service Commission that the person named in such estimate, payroll or account have been appointed or employed or promoted in pursuance of law and of the rules made in pursuance of this act.

Sec. 34. Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the commission, or by any commissioner, or by any board, or persons acting under the

orders of the commission in the course of an investigation, conducted under any of the provisions of this act, and who shall refuse or neglect to appear or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor and shall, on conviction, be punished as provided in Section 36 of this act. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses in civil cases before the Superior Courts of this state.

Sec. 35. Any Superior Court of this state or any Judge thereof, upon application of any such commissioner, or officer or board, may, in his discretion, compel the attendance of witnesses, the production of books and papers and giving of testimony before the commission or before any such commissioner, investigating board or officer, or by attachment for contempt or otherwise in the same manner as production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths shall wilfully swear or affirm falsely concerning any material matter shall be guilty of perjury and upon conviction shall be punished accordingly.

Sec. 36. Any person who shall wilfully, or through culpable negligence, violate any of the provisions of this act, or any commissioner, examiner, agent or employee of the commission, or any applicant who shall wilfully or through culpable negligence violate any rule promulgated in accordance with the provisions hereof, shall be guilty of a misdemeanor, and shall on conviction thereof, be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment, in the discretion of the court.

Sec. 37. If any person shall be convicted under the last preceding section, any public office or place of public employment which such person may hold, shall, by force of such conviction, be rendered vacant.

Sec. 38. Prosecutions for violations of this act may be instituted either by the Attorney General or by the County Attorney for the county in which the offense is alleged to have been committed, or by the commission acting through special counsel. Such suits shall be conducted and controlled by the prosecuting officers who institute them unless they request the aid of other prosecuting officers.

Sec. 39. All laws or parts of laws which are inconsistent with this act, or with any provision thereof, are hereby repealed.

Filed June 29, 1920.

ARGUMENT

(Affirmative)

Submitted by

L. A. ENGLE, JR., POST OF THE AMERICAN LEGION.

In favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

CREATING A STATE CIVIL SERVICE COMMISSION; DEFINING ITS POWERS AND DUTIES; PROVIDING FOR THE CLASSIFICATION OF ALL OFFICES AND PLACES OF EMPLOYMENT IN THE SERVICE OF THE STATE, WITH CERTAIN ENUMERATED EXCEPTIONS; DEFINING, ESTABLISHING AND REGULATING THE CLASSIFIED CIVIL SERVICE OF THE STATE; PROVIDING FOR THE EXAMINATION, APPOINTMENT AND EMPLOYMENT OF APPLICANTS FOR OFFICES OR PLACES OF EMPLOYMENT IN THE CLASSIFIED CIVIL SERVICE; GIVING PREFERENCE TO FORMER SOLDIERS AND SAILORS IN CERTAIN CASES; PROVIDING FOR THE SUSPENSION OR REMOVAL, FOR CAUSE, OF INCUMBENTS OF SUCH OFFICES AND PLACES OF EMPLOYMENT; PROTECTING SUCH INCUMBENTS FROM UNLAWFUL SUSPENSION OR REMOVAL; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ACT; AND REPEALING ALL LAWS IN CONFLICT HEREWITH.

If you favor the above law, vote YES; if opposed, vote NO.

306 Yes.

307 No.

ARGUMENT IN FAVOR OF INITIATIVE MEASURE CREATING A
CIVIL SERVICE COMMISSION.

The application of the merit system to state, county and municipal governments has proved successful wherever it has been given a fair trial, and its adoption by the people of this state at the coming November election will secure to the people of Arizona the most efficient government possible.

Under the present system in vogue in this state, appointments of persons to public office are made not on account of their ability to do certain work, but because they are followers and supporters of certain politicians and they acknowledge no obligations except to those politicians responsible for their appointment, and their public duties, if not entirely disregarded, are negligently and inefficiently performed. The proposed law submitted to the voters of Arizona for their verdict, prohibits the solicitation of campaign assessments from state employees and prohibits them from using their official positions in coercing political action and makes merit the sole qualification for appointment to positions in the Classified Civil Service of the state. It takes away the desire on the part of heads of departments and election officials to increase the number and the salaries of the employees in their departments, with the idea of perpetuating themselves in office by organizing a political machine of those working for them.

Civil Service is not an experiment—it is in force and working successfully in California, Connecticut, Massachusetts, New Jersey, Ohio,

Colorado, Illinois, Kansas, New York and Wisconsin, and in the principal cities of the country, New York, Chicago, San Francisco, Los Angeles, Denver and many others. Practically all departments of our Federal Government are now under civil service, and there is no record of its being repealed wherever it has been established. To recapitulate, its adoption by the people of this state means:

(1) That merit rather than political influence will govern state appointments in the future. A state employee should be made to feel that he owes his allegiance to the people of the state, rather than as at present to some political clique who assume responsibility for securing and keeping him in his position;

(2) That it will increase the efficiency of the state service by insuring men or women who are giving good service that they will hold their positions irrespective of changes made by politics;

(3) That increased efficiency as a result of the adoption of this act means a reduction of taxation in this state. All citizen-taxpayers are taxed to pay the salaries of many useless officials who simply hinder business by their incompetency;

(4) Honorably discharged soldiers, sailors, marines and members of the army nurses corps are given preference in state appointments, provided they show themselves competent by examination for the positions they seek. Don't you think they are entitled to this preference? Private individuals and corporations are according them preference in private employment.

Finally: We must have in our government democracy and efficiency. Democracy is answered by offering civil service examination to all who wish to apply for office. Efficiency is secured by appointing those whom the civil service examination has demonstrated most capable, and by keeping them in office as long as they remain capable.

We earnestly solicit your interest and active support of this bill, believing as we do that its adoption will destroy the spoils system now in operation in this state, and throw all positions open to every citizen who is ambitious or desirous of securing a state position, which cannot be done now except through the favor of some politician.

Respectfully submitted,

L. A. ENGLE, JR., POST OF THE AMERICAN LEGION,

By DAN ANGILL, Post Commander.

E. HICKS, Post Adjutant.

AN ACT

PROVIDING FOR THE CREATION AND ORGANIZATION OF COUNTIES OF THE STATE; FOR ELECTIONS IN CONNECTION THEREWITH AND OF OFFICERS THEREFOR; FOR THE PERFORMANCE OF CERTAIN OFFICIAL DUTIES IN AID THEREOF; AND CERTAIN ACTS AND THINGS FOR THE ACCOMPLISHMENT THEREOF; FOR THE PUNISHMENT OF VIOLATIONS OF THIS ACT; AND FOR THE REPEAL OF ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SECOND DAY OF NOVEMBER, 1920.

By Initiative Petition of the people filed in the office of the Secretary of State June 30, 1920, in accordance with the provisions of Paragraph 3328, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

PROVIDING FOR THE CREATION AND ORGANIZATION OF COUNTIES OF THE STATE; FOR ELECTIONS IN CONNECTION THEREWITH AND OF OFFICERS THEREFOR; FOR THE PERFORMANCE OF CERTAIN OFFICIAL DUTIES IN AID THEREOF; AND CERTAIN ACTS AND THINGS FOR THE ACCOMPLISHMENT THEREOF; FOR THE PUNISHMENT OF VIOLATIONS OF THIS ACT; AND FOR THE REPEAL OF ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

If you favor the above law, vote YES; if opposed, vote NO.

308 Yes.

309 No.

(On Official Ballots Nos. 308 and 309.)

AN ACT

PROVIDING FOR THE CREATION AND ORGANIZATION OF COUNTIES OF THE STATE; FOR ELECTIONS IN CONNECTION THEREWITH AND OF OFFICERS THEREFOR; FOR THE PERFORMANCE OF CERTAIN OFFICIAL DUTIES IN AID THEREOF; AND CERTAIN ACTS AND THINGS FOR THE ACCOMPLISHMENT THEREOF; FOR THE PUNISHMENT OF VIOLATIONS OF THIS ACT; AND FOR THE REPEAL OF ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. Counties of the state may be created and organized upon compliance with the procedure therefor set out in this act; provided, that no county shall be created by the division of an existing county or counties unless taxable property to the value of not less than twenty million dollars shall remain in each county and exist within the boundaries of the proposed county, such value to be determined from the valuation set out on the last assessment roll of such county or counties completed prior to the date of filing a petition hereunder; provided further, that when the territory for such proposed county is taken from one county only such proposed county shall have a common boundary with at least one county other than that from which its territory is taken or with the state boundary.

Sec. 2. Whenever a written petition addressed to the Board of Supervisors of a county, substantially in the form hereinafter set out, directs such board to call an election wherein the qualified electors of the territory bounded and described in such petition may determine whether or not such territory shall be created and organized into a county of the state the Board of Supervisors shall proceed in the manner directed by this act.

Sec. 3. Such petition shall be addressed to the Board of Supervisors of the county wherein the territory, or a part or portion thereof, bounded and described therein is situate; shall bound and describe the territory to be taken for the proposed county, all of which shall be contiguous; shall direct the board to call an election under this act wherein the qualified electors of such territory may determine whether or not such territory shall be created and organized as a county of the state; shall be subscribed by not less than thirty-three per centum of the electors of such described territory, who shall declare, each for himself, that he is an elector both of the state and within such territory; state his postoffice address; his residence, together with street and number, if any; and the date he signed the petition. Each sheet containing signatures shall be attached to the petition and shall be verified by the affidavit of the person in whose presence the signatures were subscribed, who shall under oath affirm that each such signature was subscribed in his presence and that he believes each signer thereof to be an elector within such territory.

Sec. 4. The petition provided for by this act shall be substantially in the following form, to-wit:

WARNING

It is a felony for anyone to sign this petition with any name other than his own or knowingly to sign his name more than once hereto or to sign this petition when he is not a qualified elector within the territory bounded and described herein.

PROPOSAL TO CREATE AND ORGANIZE A COUNTY

To the Board of Supervisors of.....County, State of Arizona:

We, the undersigned, qualified electors of that part or portion of saidcounty, particularly bounded and described as follows, to-wit:

(Insert description here)

direct that you call an election at which the qualified electors of said bounded and described territory may vote on the question of the creation and organization thereof as a county of the state, as provided by act of the electors of the state, November 2, 1920, entitled: "An act providing for the creation and organization of counties of the state; for elections in connection therewith and of officers therefor; for the performance of certain official duties in aid thereof; and certain acts and things for the accomplishment thereof; for the punishment of violations of this act; and for the repeal of all acts and parts of acts in conflict herewith."

NAME	RESIDENCE	POSTOFFICE	DATE OF SIGNING
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(Lines for not more than twenty signatures on each sheet.)

Each and every sheet of any such petition containing signatures shall

be verified on the back thereof in substantially the following form by the person in whose presence such signatures were written:

STATE OF ARIZONA, }
COUNTY, } ss.

I,, being first duly sworn, depose and say that (here insert the signatures on the reverse hereon in legible writing or typewriting) respectively, signed his name, set down his residence and date of signing on this page in my presence; I believe that the name of each such signer, his residence, post office and date of signing are correct, and that each such signer is an elector within the territory bounded and described in the petition hereto attached.

.....
 Affiant.

Subscribed and sworn to before me this.....day of.....
 19..... My commission expires.....

.....
 (Signature, title, and post office address of
 officer before whom oath is made.)

Such form is not mandatory and is sufficient if substantially followed, disregarding clerical errors.

Sec. 5. The basis for determining the thirty-three per centum of electors aforesaid shall be the total vote for Governor cast at the last preceding general election in that part or portion of the county bounded and described in such petition; provided, that should such boundary divide an election precinct that portion thereof included in the petition shall, for the purposes of this act, be assumed to contain fifty per centum of the electors voting for Governor in such precinct at the last preceding general election.

Sec. 6. The Clerk of the Board of Supervisors shall receive all petitions filed under the provisions of this act; shall endorse thereon the day and hour of such receipt; and shall forthwith notify each member of the Board of Supervisors of the filing thereof.

Sec. 7. On the second Tuesday after the day any such petition is so filed with the Clerk the Board of Supervisors shall convene in special session for the purpose of performing the duties devolving upon it under the provisions of this act.

Sec. 8. At such meeting the Board of Supervisors shall cause such petition (exclusive of the signatures, residences and dates of signing thereon) to be entered on its minutes; shall, thereat, make, and cause to be entered on its minutes, an order, calling an election to be held in the territory bounded and described in such petition on the fourth Tuesday next after the date of such meeting, at which the qualified electors of such territory may vote on the question of the creation of such bounded and described territory as a county of the state; shall select the officers to hold such election, who shall be qualified electors of said bounded and described territory; shall designate the voting places and provide ballots, booths, and all equipment and supplies necessary for holding such election; and shall, during a period of not less than fifteen days prior to such election, provide for the registration of electors qualified to vote thereat.

Sec. 9. In the event that the territory included in the petition for the proposed county lies in more than one county such petition shall bound and describe the territory therefor as a whole, but the petition as to each county from which territory is taken shall be subscribed only by electors

of the territory thereof to the number of not less than thirty-three per centum.

Sec. 10. At the aforesaid meeting of the Board of Supervisors convened to act upon a petition filed hereunder, when it is disclosed by the petition that a part of the proposed county lies without the county of such Board of Supervisors, the board shall certify the fact of the filing of such petition to each Board of Supervisors of the counties wherein a part or portion of the proposed county lies.

Sec. 11. As to all other matters and things herein provided to be done and performed by the Board of Supervisors, each board shall act therein in the same manner as if all the territory described in any such petition lay in its county; provided, that the certification of the result of any election held hereunder shall be made by each board to the board of such other county and to the Secretary of State.

Sec. 12. Electors possessing the qualifications necessary to vote at the general state election, at the time of an election held under this act, shall, upon registration therefor, be deemed qualified electors thereat and entitled to vote therein; and any person not qualified or entitled to vote at any such election, who attempts to vote or votes therein, is guilty of a felony and shall be punished as provided by law therefor; and the penalties provided by law for the punishment of crimes against the elective franchise shall be applicable to elections held under this act and a violation of any such provision hereof shall be punished as provided by law.

Sec. 13. Established election precincts shall remain for the purpose of elections held under this act, but where the boundary of the territory of the proposed county passes through an election precinct the Board of Supervisors may create an additional precinct of such fractional part or attach the same to another precinct as its best judgment shall dictate.

Sec. 14. At the aforesaid meeting, the Board of Supervisors shall prepare a notice of the election to be held as herein directed. The notice shall set forth the proposal to create and establish a county as set out in such petition; shall recite the boundaries thereof as therein set out; shall name the day whereon the election shall be held as provided by this act; shall name the officers and persons to conduct the election; shall designate the polling places within the several precincts; and shall set out any other matter pertinent to or necessary for the conduct of the election and for the information of the electors.

Sec. 15. The aforesaid notice of election shall be published not less than ten times in one or more daily newspapers and not less than three times in one or more weekly newspapers (if any there be) published in and of general circulation in the county wherein any territory for the proposed county is situate and shall be posted in five public places within such territory.

Sec. 16. No question other than that of the creation of the county as set out in such petition shall be submitted at such election; and the ballot to be used thereat shall recite the boundaries of the proposed county as set out in such petition, stating the proposal that such territory constitute a county of the state, and shall submit the question: "Shall the above described territory be created and organized as a county of the state?" and the elector shall indicate his decision by marking a cross in the square after the word "Yes" or "No," printed on the ballot; and no ballot plainly indicating the will of the elector shall be invalid.

Sec. 17. The manner of holding and conducting elections held under this act; voting thereat; opening and closing the polls; challenging; keeping the poll list; certifying the returns; canvassing the vote cast therein; and contesting the election; shall conform as near as practicable to the

provisions of law relating to general elections, not inconsistent with this act. All voting shall be on ballots prepared and furnished by the Board of Supervisors.

Sec. 18. On the first Monday after the day an election is held under this act the Board of Supervisors shall convene and canvass the returns thereof, proceeding as directed by law for the canvass of returns of general elections where applicable. If a majority of the votes cast direct the creation of the proposed county, then such proposal shall be deemed carried, the result declared, certification thereof made to the Secretary of State and to the Board of Supervisors of any county wherein territory to the proposed county lies, and the county organized as directed by this act. In the event a majority of the votes so cast shall be against the creation of the proposed county, the proposal shall be deemed defeated; provided, that when parts of the territory of the proposed county lie in more than one county and the majority vote in any one such part shall be against the creation of the proposed county then such proposal shall be deemed defeated, and certification thereof shall be made as herein provided.

Sec. 19. The newly created county shall be organized by the Board of Supervisors of the county from which its territory was taken in the manner following, to-wit:

(a) At the meeting of the Board of Supervisors provided for in Section 18 hereof, in the event that the proposal for the creation of the county shall be deemed carried and subsequent to the certification thereof, the Board of Supervisors shall order a supplemental registration of the electors of such newly created county. Such registration shall begin on the Monday following the meeting of the Board of Supervisors held as provided in Section 18 and shall continue for a period of fifteen days. The provisions of this act relating to registration shall be applicable. All electors registered under the provisions of Section 8 hereof shall be deemed registered for the election provided for in this section.

(b) On the fourth Tuesday after the last aforesaid registration closes, there shall be a primary election at which each and every political party entitled and intending to make nominations for the ensuing election at which county officers shall be chosen, shall, if such party desires to have the names of its candidates printed on the official ballot thereat, nominate candidates for the offices to be filled as enumerated in this section.

In the event of a vacancy occurring among the nominees of a political party such vacancy may be filled by the party committee in the manner provided by law.

Candidates for county offices herein enumerated may be nominated otherwise than at primary elections in the manner provided by law.

At the meeting of the Board of Supervisors provided for in Section 18 hereof, a notice calling such primary election shall be prepared, which shall contain an enumeration of the offices to be filled and such other matters as shall be necessary for the information of the electors concerning the holding of such primary election; such notice shall be published in a newspaper or newspapers of general circulation within the newly created county during such time as the Board of Supervisors shall deem advisable, and shall be posted in not less than five public places within such newly created county.

Nomination petitions and nomination papers required by law to be filed shall be filed in the office of the Clerk of the Board of Supervisors charged with the organization of the newly created county not less than nine days prior to the day on which such primary election is to be held and the laws relating to primary elections shall govern the holding of primary elections provided for by this act where applicable.

Such Board of Supervisors shall prepare the ballots to be used at such primary election, shall furnish all supplies therefor, designate the polling places, appoint the officers and do all acts and things necessary for the holding thereof.

Nomination papers for candidates at primaries held under this act shall be signed by at least one hundred electors qualified to vote at the county election.

On the first Monday succeeding the day of such primary election the Board of Supervisors shall convene, canvass the returns thereof, declare the result, issue to each person nominated a certificate of nomination, and do and perform such other acts and things as shall be necessary in connection with the holding of such primary election.

(c) On the third Tuesday after the primary election provided for in this section there shall be an election at which the name of the county shall be chosen, the county seat designated, and the following officers elected, viz: State Senator, State Representative, Superior Judge, three Supervisors, who shall be chosen at large at this election and thereafter as provided by law, Sheriff, County Attorney, Treasurer, Assessor, Recorder, County School Superintendent, and Clerk of the Superior Court. The persons receiving the largest number of votes for the respective offices voted for shall be elected.

(d) A name for the newly created county may be suggested by any fifty or more qualified electors thereof. Each such suggestion shall be in writing, addressed to the Board of Supervisors charged with the duty of organizing such county, subscribed by the electors making the suggestion, who shall be eligible to subscribe to only one such suggestion; and shall be verified by a qualified elector thereof as to the genuineness of the signatures of the subscribers and of the place of residence of each; and shall be filed with such Board of Supervisors not less than ten days prior to such election.

Such county names so suggested shall be printed on the official ballot to be used at the election provided for in this section in alphabetical order next after the title and description of the ballot under the designation, "Proposed name of county," together with the direction, "Vote for one."

(e) Such Board of Supervisors shall cause to be printed on such ballots, next after the proposed county names, and in alphabetical order, under the designation, "Proposed location of county seat," together with the direction, "Vote for one," the names of each incorporated city and town in the newly created county and the one thereof receiving the largest number of votes shall be the county seat until changed by law.

(f) In the event the territory of the newly created county shall have been taken from more than one county the Governor shall designate one of the Boards of Supervisors from whose county a part of such territory was taken to perform the duties herein set out relating to the organization of the county, and such Board of Supervisors shall perform such duties.

(g) On the first Monday succeeding the day of the election provided for in this section the Board of Supervisors shall convene, canvass the returns thereof, declare the result in accordance with the directions contained in this act, issue to each person so elected a certificate of election, and certify the result to the Board of Supervisors of each county from which a part or portion of the territory of the newly created county was taken, in the event that any such territory was taken from more than one county.

Sec. 20. The county officers so chosen shall hold their respective offices until the next succeeding election at which county officers are chosen and until their respective successors are elected and qualified.

Sec. 21. The Board of Supervisors of the newly created county shall convene as soon as practicable after the members-elect thereof receive their certificates of election and upon so convening the county shall be deemed legally organized and all jurisdiction of any other county over the territory comprising such county shall cease and terminate. All officers of the county shall, before entering upon the duties of their respective offices, subscribe to the oath of office prescribed by law. The other county officers so chosen shall enter upon the duties of their several offices.

Sec. 22. The Board of Supervisors of the newly created county shall, at the times provided by law, divide the county into supervisory and representative districts, create justice and election districts, and perform all other duties required of Boards of Supervisors by law; and the respective county officers so chosen shall do and perform all acts and things relating to their several offices as provided by law.

Sec. 23. All expenses necessarily incurred by any county in connection with the creation and organization of a county shall be legal charges against the latter county and shall be audited and paid in the same manner as other county indebtedness.

Sec. 24. For the purpose of regulating and fixing the compensation of all county and precinct officers of counties created and organized under this act such counties shall be classified according to the assessed valuation of the taxable property within the territory thereof as obtained from the last assessment roll of the original county or counties completed prior to the division thereof and the salaries provided by law to be paid to county and precinct officers of the counties of such class shall be paid to such officers of the newly organized county.

Sec. 25. The real property, together with the improvements thereon and the fixtures and equipment therein, owned by the original county shall follow the county wherein the same is situate; should the purchase price of such property be fully paid then such county shall take the same free of and discharged from liability to divide or pro rate the value thereof; should any bonded indebtedness exist against such property or the purchase price of the same be not fully paid then the Board of Supervisors of the counties affected shall determine the share thereof that each county shall pay, giving due consideration to changes in valuation of property in the territories of the old and new counties, to the length of time the real property was in use prior to the division of the county and the age and future usefulness of the improvements, fixtures and equipment. Should such Boards of Supervisors be unable to reach an agreement concerning such distribution of the bonded indebtedness and unpaid balance of the purchase price or either thereof they shall have full power to submit the decision of the matter to disinterested parties and to accept, reject or compromise the award so made; the costs of such submission to be borne equally by such counties.

Sec. 26. All moneys on hand, taxes and revenues due and unpaid and all debts and expenses of the original county or counties, the settlement of which is not herein provided for, shall be prorated among the counties affected in the proportion that the assessed valuation of the newly organized county shall bear to the assessed valuation of the original county or counties, to be ascertained from the last assessment roll of the original county or counties made prior to the division of such county or counties.

Sec. 27. Should the boundary line of any county created under the provisions of this act traverse a school district or districts the divisions thereof, together with their funds and obligations, shall be cared for in the manner provided by law.

Sec. 28. All settlements made, contracts entered into, instruments of writing executed, promissory notes or other evidences of indebtedness delivered, in accordance with the provisions of this act, on account of adjustment and liquidation hereunder, shall be valid and binding between the counties or districts parties thereto.

Sec. 29. In any settlement between counties hereunder the bonds issued by Maricopa, Pima, Yavapai and Coconino counties, together with the accrued interest thereon, validated, approved and confirmed by act of Congress, June sixth, eighteen hundred ninety-six (27 Stat. 262), shall be binding and of full force and effect as provided by said act and any acts amendatory thereof.

Sec. 30. The judgments of courts, public records, recorded instruments of writing, maps, charts, plats and surveys, official bonds, powers, notices, and minutes, records in the office of the Recorder, and in the offices of other officers of the original county or counties, made and declared by law to be public records or authorized by law to be recorded or filed, relating to the territory included in and property situate within the newly created county and to persons, shall be of the same force and effect and notice to third parties as if the same were filed or recorded and of record in such county; and each and every transcript thereof, when properly verified and recorded or filed in the office of the newly created county corresponding to the office of record in the original county, shall be and have all the force and effect of the recorded or filed original thereof.

Sec. 31. The officers, agents, and employees of the newly created county shall be permitted, at all reasonable times, to inspect and transcribe the files and records of the original county or counties.

Sec. 32. All civil suits pending in the original county upon the date of the organization of the newly created county wherein all the parties thereto are residents of such newly created county or the subject matter thereof is situate therein, shall be transferred to that court of such newly created county having corresponding jurisdiction; and the Clerk of Court of the original county shall, forthwith, transmit to the Clerk of the corresponding court of the newly created county all documents and objects filed in the cases transferred, together with a true and complete certified copy of all entries relating thereto on the records of the court. Civil suits pending in the original county wherein one party thereto is a resident of such newly created county and the other party or parties are residents of the original county, may, upon written stipulation of all the parties thereto filed with the clerks of the respective courts, be transferred to the corresponding court of such newly created county, and the documents, objects and certified entries thereof shall be transmitted as hereinbefore provided. Upon the receipt by the Clerk of the corresponding court in the newly created county of the documents, objects and certified entries of any civil suit transferred under authority of this act such court shall thereby acquire and have jurisdiction of the same.

Sec. 33. In all civil suits transferred under the authority of this act the Clerk of Court in the original county shall receive the sum of one dollar for transmitting the documents, objects and certified copy as herein directed and the further sum of fifteen cents per folio for preparing said certified copy of the record, all such sums to be taxed as costs in such civil suit; provided, that it shall not be the duty of such Clerk to prepare said certified copy and transmit the same together with the documents and objects as herein directed until the fees herein provided to be paid have been so paid or tendered.

Sec. 34. All criminal actions and proceedings pending in the superior or court of corresponding jurisdiction of the original county or counties

shall be transferred to the superior or court of corresponding jurisdiction of the newly created county under the following conditions: The court of the original county having jurisdiction of a criminal action or proceeding of its own motion may, and shall upon motion of a defendant therein that the offense charged is alleged to have been committed within the territory now comprising the newly created county, inquire into the matter of the location of the place where the offense is alleged to have been committed. Should such place be found to be situate within the territorial limits of the newly created county then such court shall make an order transferring such action or proceeding to the court of such newly created county having jurisdiction of the offense alleged to have been committed, and such last named court shall have jurisdiction thereof.

All documents and objects pertaining to the action or proceedings so transferred, and a certified copy of all entries relating thereto, shall be forthwith transmitted by the Clerk of the Court of the original county to the Clerk of the Court to which the action or proceeding is transferred, for which the Clerk of the Court of the original county shall receive a fee of one dollar for transmitting the same and in addition thereto a fee of fifteen cents per folio for such certified copy; all such fees to be a charge against such newly created county.

The Sheriff of the original county shall deliver the defendant or defendants in such action or proceeding, when held in custody, to the Sheriff of such newly created county.

All undertakings or bail bonds for the appearances of the defendant or defendants in any such action or proceeding so transferred shall follow the jurisdiction of the defendant or defendants.

Sec. 35. All liens upon real or personal property situate and being within the territory of the newly created county properly claimed, fixed and secured as provided by law in the original county shall be continued, preserved and enforced in the newly created county.

Sec. 36. Each county created and organized under the provisions of this act shall be entitled to one member of the State Senate and to such additional members thereof as shall be provided for by law; and shall be entitled to one Representative and to such additional Representatives as are provided for by law, and the first apportionment for additional Representatives shall be based on the number of votes cast in the territory of the newly created county for the office of Governor at the last preceding general election, in the event that such an apportionment shall be necessary prior to a general election held subsequent to the organization of the newly created county.

Sec. 37. Justice precincts lying wholly within the newly created county shall remain until changed, altered or abolished as provided by law; those parts or parcels of such precincts that lie in the newly created county may remain as justice precincts or be added to another such precinct or be consolidated, as the Board of Supervisors of the newly created county may determine; provided, that no action of the Board of Supervisors taken under this act shall work the removal from office of any officer of any such precinct residing within the newly created county.

Sec. 38. Notaries Public in and for the original county residing within the newly created county shall be Notaries Public in and for such last named county during the remainder of the term for which they were appointed; shall not act as Notaries Public in and for the original county after the organization of the newly created county; and, as soon thereafter as is practicable, procure notarial seals bearing the name of such newly created county; until such seals are procured such Notaries Public shall use the seal of the original county accompanied by a notation of the performance of the act certified to in the newly created county, naming it.

Sec. 39. The Assessor of the newly created county shall prepare an assessment roll of all property, real and personal, situate and located in such county; in the event the assessment of the original county for the year has been completed such assessment roll for the newly created county shall be made by transferring all such property from the books of the original county and entering the same in suitable books of the newly created county; in the event such assessment in the original county is partially completed then such part thereof shall be so transferred and entered and the Assessor of the new created county shall proceed to list and assess the unassessed remainder of the property; and the assessment roll thus obtained shall be the first assessment roll of such county.

Sec. 40. Should any day upon which an act is directed to be done or an election to be held under this act fall upon a holiday, then such act shall be done or such election shall be held upon the next succeeding day not a holiday; provided, that nothing herein shall be construed as directing that a holiday shall interrupt the running of any period of time required in this act.

Sec. 41. The violation of any provision of this act, except as herein otherwise provided, is declared to be a misdemeanor and upon conviction therefor shall be punished as is provided by law for the punishment of a misdemeanor.

Sec. 42. Any person who shall sign any petition provided for by this act with any name other than his own or who shall knowingly sign his name to any sheet thereof more than once or who shall sign his name to any such petition when he is not an elector within the territory described therein, shall be guilty of a felony and shall be punished therefor as provided by law.

Sec. 43. Should any section, sentence, or clause of this act be held to be unconstitutional such decision shall not affect the validity of any other section, sentence or clause hereof.

Sec. 44. All acts and parts of acts in conflict with this act are hereby repealed; provided, that the object and purpose of this act are to provide a means for the creation and organization of counties of the state and the provisions hereof shall prevail over and supersede any act or parts of acts in conflict herewith, but shall not repeal or modify any provision of law not in conflict herewith.

Filed June 30, 1920.

ARGUMENT

(Affirmative)

Submitted by

WM. E. BROOKS

In favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

PROVIDING FOR THE CREATION AND ORGANIZATION OF COUNTIES OF THE STATE; FOR ELECTIONS IN CONNECTION THEREWITH AND OF OFFICERS THEREFOR; FOR THE PERFORMANCE OF CERTAIN OFFICIAL DUTIES IN AID THEREOF; AND CERTAIN ACTS AND THINGS FOR THE ACCOMPLISHMENT THEREOF; FOR THE PUNISHMENT OF VIOLATIONS OF THIS ACT; AND FOR

**THE REPEAL OF ALL ACTS AND PARTS OF ACTS IN CONFLICT
HEREWITH.**

If you favor the above law, vote YES; if opposed, vote NO.

308 Yes.

309 No.

ARGUMENT

This measure provides a just and equitable procedure for the creation and organization of counties directly by the people.

During the old territorial days counties were separately created by act of the Legislature. Since the advent of statehood this method has become impracticable.

The First State Legislature recognized its inability to deal with the local problems of county creation and enacted a general law for this purpose. This law was so amended by the Second Legislature as to make it impossible to create counties under its provisions. And it is for this reason that this measure is presented to the people for adoption at this time.

The present law is defective in several particulars, which cannot be noticed here for want of space. We will, however, call your attention to that particular defect which is the most glaring, inequitable, and unjust of all.

We refer to the system of percentages named in the law by which the votes are tallied, and which it is necessary to comply with in order to create a county.

The rule of the majority, recognized by us both for amendments to the Constitution and for the choice of public officers, finds no place in the present law.

It is one tangle of percentages. In one place 75% of the electors residing within the proposed county and 20% of the electors of the county, residing outside the proposed county, may direct the creation of the proposed county, while in another place the law says that no new county shall be created unless 60% or more of the electors of the proposed county vote in its favor.

Such uncertainty and ambiguity of law makes it impossible for the people to act, or to even know the intention of the lawmakers.

The creation of counties are necessary for growing and progressive communities. Counties are not sacred institutions to be preserved inviolate after their days of usefulness have passed. They are organized for a purpose—a beneficial purpose—that of giving to the people efficient and economical government over areas larger than cities and towns. When any county ceases to perform this function it becomes useless and a menace to popular government.

It is as foolish to say that no additional counties shall be organized within the State of Arizona to care for the growing needs of her people as it would be to say that no more cities and towns shall come into existence.

When the Territory of Arizona was created there were four counties within its boundaries. Today there are fourteen. These ten additional counties represent the progress, growth and development of the state. They are living evidence that the four original counties were incapable of providing the necessary requirements of efficient and economical county government. Does anyone say today that these additional counties are useless; that they are expensive burdens without corresponding benefits?

Can you find anyone in Arizona who advocates a return to the four original counties; No one will deny that county government today if conducted by the four counties as originally organized would be uselessly expensive and hopelessly inefficient.

This measure has been carefully drawn to provide a complete and adequate means for the creation of counties by the people; they being the ones most directly interested; the ones who pay the taxes and who must bear the burdens of administration.

When it is desired to create a county three very important matters must be considered and cared for:

1. The people of the state must be protected against the creation of a multiplicity of unnecessary counties.
2. The new county must pay its just proportion of any indebtedness that may have been incurred by the old county and from which the people and territory of the new county received benefits.
3. The people residing within the territory of the proposed county must be protected against any minority of people within their borders who may desire a new county for reasons otherwise than for the public good.

A careful reading of this measure will show that safeguards have been provided to prevent the abuses named.

Under the provisions of this measure, county creation is initiated by a petition describing the territory to be taken for the proposed county, signed by thirty-three per cent of the qualified electors thereof, and presented to the Board of Supervisors of the county wherein such territory lies.

This percentage of thirty-three per cent is intentionally made high in order that a very complete expression of the electors may be obtained, and the abuse of calling frequent elections prevented. This percentage is an excellent safeguard—the percentage necessary to secure action on a constitutional amendment being only fifteen per cent.

Upon filing the petition with the Board of Supervisors, an election is called at which the electors residing within the territory proposed to be created as a county vote on the question of whether or not such territory shall be created as a county. No other question can be submitted at such an election.

This measure permits only those electors residing within the territory proposed to be created as a county to vote on the question. The present law not only permits all electors of the county to vote on the question, but gives a minority of the electors residing within the county, but outside the territory of the proposed county, the power to defeat any county creation, notwithstanding that such new county may be voted by the electors residing within its territory, and may be absolutely necessary for their development and well being.

Such a high handed proceeding not only destroys the American principle of self-determination, but abolishes local self-government—one of the important foundation stones of American progress and prosperity.

The Constitution of Arizona recognizes and protects local self-government as one of the vital principles upon which the success of popular government rests.

This principle of local self-government is confirmed by statute to our municipalities. These departments of government may be abolished, changed or consolidated by vote of their qualified electors without the permission or consent of any other community.

Cities may adopt charters without asking the consent of electors residing outside their boundaries. They may also include additional territory when it is to their advantage. Towns may assume a city form of government without the consent of outsiders. Electors of portions of

school and high school districts may withdraw from such district and organize separate districts without the consent of electors residing in other portions of the district. This measure does not introduce a new procedure for the organization of counties—but it does extend the principle of self-government guaranteed by our Constitution to county affairs.

This measure does not permit the creation of any county unless it has an assessed valuation of at least \$20,000,000 and there must be left in the original county an assessed valuation of at least \$20,000,000.

Adequate provision is also made for the equitable distribution of the indebtedness of the original county, should such exist. And also for the assets and improvements of the county.

The creation of counties for the solution of local problems and to better care for the needs of our newer communities is a real live issue in Arizona; an issue that cannot be smothered by denying legal procedure, for the creation and organization of counties directly by the people. This issue is so vital that a measure such as is now submitted has become a necessity, and it is confidently submitted to the electors at this time with the conviction that it will remedy the defect of the existing law.

This measure does not add any burden or expense to the public. It does not call for the expenditure of a dollar from the public treasury, except upon action by the people. Its sole object is to enable the people to act in the matter of local self-government concerning county affairs when they shall decide that it is for their interests to so act.

Let our visions, hopes and aspirations for Arizona be for the future. Our duty is to provide laws that will guarantee for her a healthy, unobstructed pathway for progress.

Arizona has 113,000 square miles of opportunity, with less than 350,000 inhabitants. Arizona today presents the grandest possibility for development on the American continent. As population and wealth increase new communities will arise and more counties will be needed to insure efficient government to care for this expansion. All desire to see a bigger and better Arizona. Adequate laws provide for the organization and expansion of cities and towns, but the provision for the equally important organization of counties is defective and inoperative. This measure remedies this defect and is placed before the people for adoption with full confidence that they will no longer permit growth and development in their state to be stifled for want of suitable legislation.

(Signed) WM. E. BROOKS,
Box 1057, Miami.

AN ACT

TO CREATE A STATE HIGHWAY DEPARTMENT CONSISTING OF A STATE HIGHWAY COMMISSION, A STATE HIGHWAY ENGINEER AND SUCH ASSISTANTS AND EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE STATE HIGHWAY COMMISSION AND TO DEFINE AND PRESCRIBE ITS DUTIES AND POWERS; TO PROVIDE FOR THE APPOINTMENT OF THE STATE HIGHWAY ENGINEER AND TO DEFINE AND PRESCRIBE HIS POWERS AND DUTIES; TO PROVIDE FOR CLASSIFICATION OF HIGHWAYS AND TO ESTABLISH A SYSTEM OF PROPOSED STATE HIGHWAYS TO BE KNOWN AS STATE ROUTES AND TO PROVIDE FOR THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE, ALTERATION OR ABANDONMENT THEREOF; TO PROVIDE FOR CONDEMNATION OF LANDS WHEN NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO CREATE A STATE HIGHWAY FUND, TO PRESCRIBE ITS SOURCES OF INCOME AND TO REGULATE ITS EX-

PENDITURES; REPEALING CHAPTER 7, TITLE 50, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, AND ACTS AMENDATORY THEREOF, TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the
REGULAR GENERAL ELECTION
to be held

ON THE SECOND DAY OF NOVEMBER, 1920.

By Initiative Petition of the people filed in the office of the Secretary of State July 1, 1920, in accordance with the provisions of Paragraph 3328, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

TO CREATE A STATE HIGHWAY DEPARTMENT CONSISTING OF A STATE HIGHWAY COMMISSION, A STATE HIGHWAY ENGINEER AND SUCH ASSISTANTS AND EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE STATE HIGHWAY COMMISSION AND TO DEFINE AND PRESCRIBE ITS DUTIES AND POWERS; TO PROVIDE FOR THE APPOINTMENT OF THE STATE HIGHWAY ENGINEER AND TO DEFINE AND PRESCRIBE HIS POWERS AND DUTIES; TO PROVIDE FOR CLASSIFICATION OF HIGHWAYS TO BE KNOWN AS STATE ROUTES AND TO PROVIDE FOR THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE, ALTERATION OR ABANDONMENT THEREOF; TO PROVIDE FOR CONDEMNATION OF LANDS WHEN NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO CREATE A STATE HIGHWAY FUND, TO PRESCRIBE ITS SOURCE OF INCOME AND TO REGULATE ITS EXPENDITURES; REPEALING CHAPTER 7, TITLE 50, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, AND ACTS AMENDATORY THEREOF, TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

If you favor the above law, vote YES; if opposed, vote NO.

310 Yes.

311 No.

(On Official Ballot Nos. 310 and 311.)

AN ACT

TO CREATE A STATE HIGHWAY DEPARTMENT CONSISTING OF A STATE HIGHWAY COMMISSION, A STATE HIGHWAY ENGINEER AND SUCH ASSISTANTS AND EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE STATE HIGHWAY COMMISSION AND TO DEFINE AND PRESCRIBE ITS DUTIES AND POWERS; TO PROVIDE FOR THE APPOINTMENT OF THE STATE HIGHWAY ENGINEER AND TO DEFINE AND PRESCRIBE HIS POWERS AND DUTIES; TO PROVIDE FOR CLASSIFICATION OF HIGHWAYS TO BE KNOWN AS STATE ROUTES AND TO PROVIDE FOR THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE, ALTERATION OR ABANDONMENT THEREOF; TO PROVIDE FOR CONDEMNATION OF LANDS WHEN NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO CREATE A STATE HIGHWAY FUND, TO PRESCRIBE ITS SOURCE OF INCOME AND TO REGULATE ITS EXPENDITURES; REPEALING CHAPTER 7, TITLE 50, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, AND ACTS AMENDATORY THEREOF, TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

SARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF THE STATE HIGHWAY COMMISSION AND TO DEFINE AND PRESCRIBE ITS DUTIES AND POWERS; TO PROVIDE FOR THE APPOINTMENT OF THE STATE HIGHWAY ENGINEER AND TO DEFINE AND PRSCRIBE HIS POWERS AND DUTIES; TO PROVIDE FOR CLASSIFICATION OF HIGHWAYS AND TO ESTABLISH A SYSTEM OF PROPOSED STATE HIGHWAYS TO BE KNOWN AS STATE ROUTES AND TO PROVIDE FOR THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE, ALTERATION OR ABANDONMENT THEREOF; TO PROVIDE FOR CONDEMNATION OF LANDS WHEN NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT; TO CREATE A STATE HIGHWAY FUND, TO PRESCRIBE ITS SOURCE OF INCOME AND TO REGULATE ITS EXPENDITURES; REPEALING CHAPTER 7, TITLE 50, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, AND ACTS AMENDATORY THEREOF, TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THE PROVISIONS OF THIS ACT.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

CHAPTER I.

TITLE, DEFINITION AND CLASSIFICATION OF HIGHWAYS.

1. TITLE.

Section 1. This act, whenever cited, enumerated, referred to or amended, shall be designated simply as "The Highway Act," adding whenever necessary the chapter and section.

2. DEFINITION.

Sec. 2. All highways which have heretofore been constructed by the Territory or State of Arizona, or which shall be hereafter constructed by the State of Arizona and all highways in public use which have been located or recorded as public highways by the Boards of Supervisors of the several counties of the State of Arizona are hereby declared to be public highways within the meaning of this act; provided, that no portion of a public highway within the limits of any incorporated city or town having a population of more than twenty-five hundred shall come under the provisions of this act, except as specifically provided herein.

Sec. 3. The term "Highway" as used in this act includes bridges on the roadway, as well as culverts, sluices, drains, ditches, waterways, embankments, retaining walls, trees, shrubs and fences along or upon the same and within the right of way.

Sec. 4. A "State Route" within the meaning of this act, is a right of way or location, whether actually used as a highway or not, designated for the construction of a state highway upon it.

Sec. 5. For convenience, the following short designations are used in this act in referring to certain official bodies and officers: "The Department" for the State Highway Department created by this act; "The Commission" for the State Highway Commission created by this act; "The Board of Supervisors" for the Board of Supervisors of a county as constituted under existing legislation; and "The Engineer" or the "Highway Engineer" for the State Highway Engineer referred to in Chapter II.

3. CLASSIFICATION OF HIGHWAYS.

Sec. 6. Public Highways are divided for the purpose of this act, into two classes: State Highways and County Highways. State Highways are those portions of State Routes which shall be accepted as such by the Commission, and are to be maintained by the state in accordance with

the provisions of Chapter III of this act. County Highways are those portions of the public highways constructed and to be maintained by the counties in accordance with the provisions of laws now in force or hereafter enacted.

CHAPTER II.

STATE HIGHWAY DEPARTMENT.

Sec. 7. There is hereby created a State Highway Department consisting of a State Highway Commission of five (5) members; a State Highway Engineer and such assistants, clerks, and other employees as may be employed to carry out the provisions of this act.

Sec. 8. Within ninety (90) days after the adoption of this act, the Governor shall appoint one member from each of the following groups of counties:

- (a) Coconino, Navajo and Apache;
- (b) Yavapai and Mohave;
- (c) Gila, Graham, Greenlee and Pinal;
- (d) Cochise, Santa Cruz and Pima;
- (e) Maricopa and Yuma;

who shall constitute said commission, each of whom shall have been a resident of the state for five (5) years next preceding the date of the appointments. The members of the commission as appointed at this time shall be appointed to serve for one (1), two (2), three (3), four (4) and five (5) years respectively, as determined among themselves by lot. Upon the resignation or death of any member of the commission, a member shall be appointed by the Governor from the same geographical district to fill out the unexpired portion of the term of such member. At least thirty days prior to the expiration of the term for which each member is appointed, and thereafter as successive terms expire, the Governor shall appoint one person from the same geographical district as the successor of the member of the commission whose term shall so expire, to serve as a member of the commission for the term of five (5) years or until his successor is appointed and qualified. Each member shall actually reside in the district he represents and his removal from the same shall be considered as constituting his resignation as a member of said commission. Not more than three (3) members of said commission shall be of the same political faith as declared at their last registration. Each member of the commission shall give bond for the faithful performance of his duties in such sum as the Governor shall determine, which bond shall be approved by the Governor.

Sec. 9. Members of the commission before entering upon the duties of their office, shall take the oath prescribed by the Constitution of this state for state officers, and the oath shall be filed in the office of the Secretary of State. Members of the commission shall be removed by the Governor for cause only, and then after a fair and impartial hearing. Upon the inauguration of a Governor he shall not ask, nor shall it be expected, that any member of the commission shall resign because of any change in the administration. If a vacancy occurs in the membership of the commission for any cause, the person appointed to fill such vacancy shall be appointed only for the unexpired portion of the term of the member whose place he fills. Members of the commission shall receive their actual traveling and other necessary expenses incurred in the performance of their official duties, and a per diem of twenty (\$20.00) dollars a day for each day when attending to their official duties, for not exceeding one hundred (100) days in each fiscal year.

Sec. 10. The Board of Directors of State Institutions shall provide for the State Highway Department suitable offices in the capitol or other buildings in Phoenix.

Sec. 11. Within fifteen (15) days after the members of the commission shall have been appointed they shall meet at the capitol building in Phoenix and organize by selecting one of their members as chairman and one as vice-chairman, and appointing a secretary. The commission shall appoint a State Highway Engineer. Four members of the commission shall constitute a quorum at all meetings of the commission. An affirmative vote of four of the members shall be necessary for any action taken by the commission.

CHAPTER III.

POWERS AND DUTIES OF STATE HIGHWAY COMMISSION.

Sec. 12. The commission shall in general exercise those powers and duties which relate to determining and carrying out the general policy of the State Highway Department and controlling its financial affairs. It shall exercise such control over the location, establishment, changing, construction and maintenance of highways as is authorized by this act. The commission shall have the following powers and duties:

(a) To lay out and establish within the first year after their organization a complete system of state routes and issue a map showing such proposed road system.

(b) To make all contracts for the construction and maintenance of highways. The commission may, however, delegate to the Highway Engineer the power to make and execute contracts in specific cases.

(c) To hold regular meetings at the office of the State Highway Department, at such times as it may determine, such regular meeting dates to be duly announced by the commission.

(d) To hold such special meetings for the transaction of any business not by law required to be transacted at a regular meeting, at such times and at such places as the commission may determine. The State Highway Engineer shall attend the meetings of the commission.

(e) To formulate and adopt rules and regulations for the expenditure by or under the direction of the State Highway Engineer, of public funds for the construction, improvement, maintenance of highways and other purposes authorized by law, and for letting of contracts for any work which the commission or the department is authorized by law to do.

(f) To determine what portion or portions of any state route shall be accepted as a state highway.

(g) To determine what portion or portions of any state route shall be improved at the expense of the state.

(h) To make agreements on behalf of the State of Arizona with the United States Government, or any department of the same, in any manner affecting the public highways of the state.

(i) To make agreements on behalf of the state with any county, city or town, or road district of the state for the improvement or maintenance of any part of a state route, or at the joint expense of the state and county, city or town or road district.

(j) To formulate rules and regulations governing the use by the public of state routes and highways such as may be necessary to provide for the public safety and against undue use of the state highways.

(k) To send its members or other representatives to attend meetings within or without the State of Arizona, as the commission deems will be of benefit to the work of the State Highway Department.

(l) To prescribe standard guide board and road signs or other devices for the guidance of traffic, to be erected upon all state routes and

state highways, and regulate the use of all other guide boards and road signs on any state route or state highway in the state.

(m) To adopt regulations in regard to traffic on state highways not contrary to or in conflict with existing laws, and to close those under construction and to prescribe penalties for violations of such regulations and orders. When it is necessary to close the highways that are under construction, proper barriers and notices shall be posted at each end of such closed highway at the point where the detour road takes off from such closed highway, and such detour road shall be clearly indicated by signs, and the same shall be adequately maintained.

(n) To take over the highway work now in progress under the present law.

(c) To prescribe the qualifications of all employees of the State Highway Department, and to inquire into their official conduct.

(p) To prepare and submit annually to the Governor, on or before the first day of April, a budget for the State Highway Department for the following fiscal year.

(q) To require from the Highway Engineer complete information concerning the work of the department under his charge.

(r) To authorize and require the Highway Engineer to make such special investigations and compile such special data as the commission may deem to be of value for the work of the department.

(s) To establish, open, relocate, alter, widen or change any portion of a state route or state highway.

(t) To exercise such other powers and duties as may be necessary to give full force and effect to the foregoing provisions.

CHAPTER IV.

STATE HIGHWAY ENGINEER.

Sec. 13. The State Highway Engineer shall hold his office during such term as he may be appointed therefor by the commission, but may be removed by the commission for cause. In making the appointment, particular consideration shall be given to executive ability and experience in highway work. The person appointed must be particularly skilled and qualified by at least three (3) years practical experience in the construction and maintenance of public highways.

Sec. 14. The Engineer shall within thirty (30) days after his appointment, appoint with the approval of the commission, an engineer to act as his deputy, in case of his absence from the state or inability from any cause to act. When both the Engineer and his deputy are absent from the state, or unable, from any cause, to act, the chairman of the commission, or if he is absent from the state or unable, from any cause, to act, the vice-chairman shall act in the place of the Engineer until the Engineer or his deputy returns to the state, or is able to perform the duties of the office. The Highway Engineer with the approval of the commission shall also appoint such assistant engineers as are necessary to properly assist in conducting the affairs of the State Highway Department. The Highway Engineer and his deputy shall take the same oath of office as prescribed for members of the commission. The State Highway Engineer, his deputy, and each assistant engineer shall each execute bonds in the sum of not less than twenty-five thousand (\$25,000.00) dollars, conditioned upon faithful performance of his duties to be approved by the commission and filed with the Secretary of the State. The expense of such bonds shall be paid from the State Highway Fund.

Sec. 15. The salary of the State Highway Engineer shall be fixed by the Highway Commission and his actual traveling and other necessary expenses, incurred in the performance of his official duties, shall be paid by the State Treasurer from the State Highway Fund hereinafter referred

to. The salary of the deputy engineer and the salary of each of the assistant engineers shall be fixed by the Highway Engineer with the approval of the commission and they shall receive their actual traveling and other necessary expenses incurred in the performance of their official duties.

CHAPTER V.

POWERS AND DUTIES OF THE STATE HIGHWAY ENGINEER.

Sec. 16. The office of the State Engineer is hereby abolished. The State Highway Engineer shall have all the powers and perform all of the duties of the State Engineer as now prescribed by law, and the State Highway Commission created by this act shall be deemed to have assumed all lawful financial obligations heretofore created by the State Engineer under existing legislation. The State Highway Engineer shall be the chief executive officer of the State Highway Department and have control of all work done by the state on state highways and state routes, under the general direction of the commission. He shall have the following powers and duties:

(a) Act as chief executive and administrative officer of the State Highway Department.

(b) Have charge of all employees of the department and issue rules and regulations for the guidance of all employees of the department.

(c) Appoint all persons who may be duly qualified except those already specified, to positions in the department and fix their compensation. He shall outline an organization for the department fixing the duties of persons who may fill such positions, but the qualifications for the various positions shall be such as are prescribed by the commission.

(d) He may suspend or discharge for cause, any subordinate officers or employees in the department.

(e) He shall prepare all plans and specifications for work on state highways or state routes, approved by the commission and shall advertise for competitive bids for the doing of said work and shall let all contracts approved by the commission for the same.

(f) Advertisements for all bids shall specifically state the character of the work to be done and the kind and quantity of supplies and materials to be furnished. The State Highway Engineer shall with the consent of the State Highway Commission let such contracts to the lowest responsible bidder therefor and may reject any and all bids and re-advertise for such bids, or may provide for the work to be done and supplies and materials therefor purchased under his direction and supervision.

(g) Have supervision of all work on state highways and state routes authorized by the commission, except that nothing in this act contained shall in any manner interfere with the supervision of the road work, of convicts employed in highway construction, maintenance and improvement as is now provided by law.

(h) Have charge of the maintenance and upkeep of all state highways or state routes.

(i) Approve all payments for work done by the state on or in connection with state highways or state routes, and no payment shall be made by the State Treasurer for such work without the written approval of the Engineer, or his deputy.

(j) Make monthly reports to the commission of all expenditures by the department, together with a statement of work accomplished under his direction, and include such other matters as he may determine to be of interest and value to the people of the state.

(k) All contracts for the furnishing of material and supplies involving an expenditure in excess of twenty-five hundred (\$2500.00) dollars shall be let only after advertisement for such time and in such manner as

the commission shall determine shall have been made for competitive bids for the furnishing of the same. The provisions of this subdivision shall be mandatory and any contract for the purchase of such material and supplies involving an expenditure in excess of twenty-five hundred (\$2500.00) dollars, without advertising for bids as above provided, shall be void.

(l) Attend such meetings and conventions within or without the State of Arizona, inspect such roads, serve on such committees and attend such conferences as the commission shall consider for the benefit of the work of the department.

(m) Give county boards and other officials charged with public highway work such information and advice as he may have at hand and as may be requested by them.

(n) Exercise such other powers as may be necessary to carry on the work of the State Highway Department as by law provided or implied.

CHAPTER VI.

LEGAL COUNSEL.

Sec. 17. The Attorney General of the state shall be ex-officio attorney and legal advisor for the State Highway Department and shall give it such legal counsel, advice and service as it may from time to time require, and shall bring and prosecute in the name of the State Highway Department such suits and proceedings as may be required for carrying out the provisions of this act.

CHAPTER VII.

CLASSIFICATION OF HIGHWAYS.

State Routes.

Sec. 18. A system of proposed state highways, to be known as State Routes is hereby established, and the said system shall consist in the first instance of the highways heretofore constituting or declared to be State Highways under authority of previous legislation, but the Highway Commission hereby created shall have the full power to abandon or change any part of the same or add thereto.

Sec. 19. A system of state highways is also hereby established which are to be improved and maintained as hereinafter provided, and which are to consist of such parts of the state routes as are designated and accepted as state highways by the commission, as hereinbefore provided. No highway or part of the same that has not been designated under the provisions of this act as a state route shall become a state highway, nor shall any portion of a state route become a state highway until by proper resolution it shall have been specifically designated and accepted by the commission as a state highway and ordered constructed or improved by the commission; provided, that not less than two weeks prior to the designation and acceptance by the commission of any state highway or section thereof, the commission shall give notice to the Board of Supervisors of the county in which said proposed state highway or section thereof lies, of the purpose of the commission to consider said designation and acceptance, and the said Board of Supervisors shall have the right by itself or through duly appointed representatives, to appear before the commission and be heard in the matter of such proposal. Until designated and approved as by this section provided, all state routes shall be part of the county highways and be constructed, improved and maintained as such, except as otherwise provided in this act.

Sec. 20. As soon as the commission has designated any portion of a state route to become a state highway, the State Highway Engineer shall proceed to maintain or improve the same as authorized by the commission. In designating portions of state routes as state highways, the commission

shall be governed by the program of work provided in the budget for that year, but no part of any state route shall be taken over or designated as state highway until funds are available and the commission has ordered the State Highway Engineer to improve or construct the same as a state highway.

Sec. 21. Any part of the system of state routes designated and accepted as state highways by the commission shall thereafter be maintained by the State Highway Department from the funds available as hereinafter provided.

Sec. 22. If a County Board desires to have the commission accept as a state highway any section of road on a state route, in the county, the County Board may by resolution so request the commission and the Engineer shall then examine the section of road referred to and report to the commission as to whether it is proper to accept it as a state highway.

Sec. 23. The construction and maintenance of all state highways shall be under the immediate control of the State Highway Engineer subject to the rules and regulations prescribed by the commission.

CHAPTER VIII.

ESTABLISHING AND ALTERATION OF HIGHWAYS.

Sec. 24. The State Highway Engineer shall, when he deems it desirable to establish, open, relocate, widen or alter a portion of a state highway or state route, or secure material necessary for the construction or maintenance of the state highway and bridges, or when so required by the commission, make a written report to the commission describing the portion of the highway to be established, opened or changed, and the portions of land of each land owner to be taken for the purpose, and accompanying his report, with a map showing the present and proposed boundaries of the portion of the highway to be opened, or changed, together with an estimate of the damages and benefits accruing to each land owner, the boundaries of whose land may be effected thereby. If, upon receipt of such report, the commission shall decide that public interest or convenience will be subserved by the proposed change, it shall enter a resolution upon its minutes, approving the same and authorizing the Engineer to tender to each land owner, the amount of damages, as estimated by him, and approved by the commission. In estimating the amount of damages to be tendered a land owner, due account shall be taken of any benefits which shall accrue to such land owner by the proposed action; provided, however, that the amount of benefit shall not in any case exceed the amount of damages awarded. A person or persons owning or having an interest in any land over which any proposed state highway extends, who shall be of the opinion that the tender made to him or them by the State Highway Commission is inadequate, may personally or by agent or attorney, on or before ten days from the date from such tender, file a written request addressed to the State Highway Commission for a jury to ascertain the compensation which he or they may be entitled to by reason of damages sustained by altering, widening, changing or laying out such state highway. Thereupon the State Highway Commission shall apply to the Judge of the Superior Court of the county in which said property is situated, by filing a petition as in other cases under the Act of Eminent Domain, Title XIII, Revised Statutes of Arizona, Civil Code, 1913, and amendments thereof, and the compensation to be paid such person or persons shall be ascertained and the land condemned. The rule of court or decree rendered, all condemnation proceedings thereon shall be according to the proceedings of said act as in other cases. The State Highway Commission may, and it is hereby authorized to take and condemn or cause to be condemned, the lands of private persons for state highway purposes;

under and according to said Eminent Domain Act in the first instance, without tender or other proceedings under this act.

Sec. 25. Any public highway or portion of a public highway, designated as a state highway or state route, may be established, relocated, altered or widened, when in the opinion of the commission, such establishment or change is for the public interest or convenience, in the manner herein provided.

Sec. 26. When a portion of a state highway or state route is relocated, and because of such relocation a portion of the route as it existed before such relocation is, in the opinion of the commission, no longer necessary as a state highway, such portion shall be considered as abandoned and title shall revert to the owner or owners of the land through which such abandoned portion may lie. If it shall appear that such abandoned portion is necessary for use as a public highway, then such abandoned portion shall become a county highway, upon the adoption of a resolution to that effect by the County Board of Supervisors within ninety (90) days after such abandonment by the commission.

Sec. 27. All notices to land owners, referred to in the foregoing provisions of this act, may be given by mailing the same to such land owners, and all tenders of payment of damages to land owners, referred to herein, may be made by mailing to each land owner to whom such tender is to be made a written or printed statement reciting the action of the State Highway Engineer and of the commission relating to the award of damages to such land owners, specifying the amount of damages awarded to him, and stating where and by whom payment of the sum so awarded will be made upon demand of such land owner. Depositing in the general post office in the City of Phoenix, or at the county seat of the county in which the land in controversy is located, a written or printed copy of any notice herein referred to, or any statement tendering payment of damages, signed by the proper officer, enclosed in a sealed envelope with proper postage prepaid, and properly addressed to the land owner at the last known place of residence or address, shall be deemed sufficient mailing of the same for the purpose of this act.

Sec. 28. The commission may also acquire lands for and in the name of the people of the State of Arizona by purchase, donation, dedication, or by proceedings in eminent domain, for the purpose of obtaining gravel, stone or other material when required for the construction, improvement, or maintenance of state highways or bridges and for spoil banks, together with a right-of-way to such spoil banks and to any bed, pit or quarry or other place where such gravel, stone, or other material may be located. The commission shall have the right to enter into the manufacture of cement and other road making materials, when in their judgment the best interests of the state can be served by such action, and shall also have the right to sell same to any political subdivision of the state for the purpose of constructing roads, bridges and other public improvements.

Sec. 29. Streets within the limits of incorporated cities or towns may, for all the purposes of this act, be included in state highways, state routes or county highways, by agreement between such town or city and the commission for state highways or state routes or of the County Board of Supervisors, when such streets form necessary or convenient connecting links for carrying such highways or routes through such cities or towns; but otherwise streets and other public ways in incorporated cities and towns shall not be subject to the provisions of this act in regard to establishment, changing, constructing or maintaining public highways.

Sec. 30. The provisions of this act apply in state lands and school lands as well as other lands.

CHAPTER IX.

FUNDS FOR STATE HIGHWAY WORK AND EXPENDITURE OF SAME.

Sec. 31. There is hereby created a fund to be known as the State Highway Fund. All moneys paid into the State Highway Fund shall be available immediately, without further appropriation, for the purpose of such fund as provided by law. Any sums paid into the State Treasury, which by law belong to the State Highway Fund, shall be immediately placed by the State Treasurer to the credit of such fund. Upon requests of the commission or the Highway Engineer, it shall be the duty of the State Treasurer to report to the commission or the Highway Engineer the amount of the State Highway Fund on hand and the amounts derived from each source from which such fund accumulated. All accounts and expenditures from the State Highway Fund shall be certified by the State Highway Engineer and audited by the State Auditor and paid by the State Treasurer upon warrants drawn by the State Auditor; and the State Auditor is hereby authorized and directed to draw warrants payable out of the State Highway Fund upon such vouches properly certified and audited.

Sec. 32. All receipts from the following sources shall be paid into and credited to the State Highway Fund as soon as received:

(a) All levies made annually and collected for the State Highway Fund.

(b) From such appropriations as may, from time to time, be made by the Legislature to the State Highway Fund.

(c) From all receipts from the sale of bonds that may be authorized by the people of the state for highway purposes.

(d) From all special bridge appropriations.

(e) From all public donations, including receipts from any allotments or payments of the same made to the state by the Federal Government or any department of the same, made toward the construction, improvement or maintenance of state highways. All such donations shall be paid to the State Treasurer and by him deposited to the credit of the State Highway Fund for such particular purpose as may be indicated by the donor; provided, however, that the State Treasurer shall not receive any gift for such purpose without the approval of the commission.

(f) Any balance remaining at the time when this act takes effect in the State Road Tax Fund created by previous legislation, and all receipts thereafter accruing to such State Road Tax Funds, and the State Highway Commission hereby created shall be deemed to have assumed all lawful financial obligations of the State Engineer.

(g) There shall be annually levied and collected, in the manner and method in which other state taxes are levied and collected, a tax of two mills (.002) on the dollar, on the assessed valuation of taxable property within the state, and all proceeds of such levy shall be credited to the State Highway Fund.

(h) All revenues under the provisions of existing legislation from the registration of motor vehicles, and from chauffeurs' licenses, and from fines and penalties under this act shall be credited to the State Highway Fund, but shall be reserved for the purpose of road maintenance only, and expended under the direction of the Highway Engineer subject to the approval of the commission.

Sec. 33. The State Highway Fund shall be available to pay for:

(a) All salaries, wages and necessary traveling and other expenses including emergency expenses of all persons connected with the State Highway Department.

(b) All equipment, material and supplies, division offices, testing laboratories and research work as may be established by the commission.

(c) All incidental office expenses of the Highway Commission, including telegrams, postal, express charges and expenses for printing, stationery and advertising.

(d) All machines, tools, or other equipment necessary for the furtherance of the work of the department.

(e) The construction and maintenance of state highways and such parts of highways forming state routes as the commission may determine.

(f) All land damages incurred by reason of establishing, opening, altering, relocating or widening portions of any state route or state highway.

Sec. 34. At any election called for the purpose of determining whether bonds of the State of Arizona shall be issued for highway construction or improvement there shall be printed in the notice of election and upon the ballot provided for use at such election, a map which shall be prepared by the State Highway Department showing the state highways and the parts thereof proposed to be constructed or improved with the proceeds of such bonds.

Sec. 35. The proceeds from the sale of any bonds that may be authorized for state highways shall be expended only for such purposes as are specified in the act authorizing the issue of the bonds and shown upon such ballots, and not more than ten (10%) per cent of any bond issue shall be expended for administrative and engineering purposes.

Sec. 36. The State Highway Fund shall be expended by the State Highway Department, subject to the following provisions: All bills incurred by the State Engineer for highway purposes under the present law must be paid. There shall be prepared by the commission prior to the first of April of each year, a budget which shall show the amount of the State Highway Fund on hand, the amount of outstanding obligations against such fund, the estimated amounts of receipts from all sources that will become available for such fund during the ensuing year, and the estimated amount to be expended for various activities and projects proposed for the forthcoming year. The total estimated expenditures contemplated for all purposes of the State Highway Department for a given year shall not exceed the total estimated available fund. It shall be the duty of the State Treasurer and the Highway Engineer to give, on request, such information as the State Highway Commission may need for the preparation of such budget. The budget shall be so prepared that it may be readily understood how much it is proposed to expend for salaries, office expenses and administrative purposes, which shall not exceed four (4%) per centum of the estimated total funds available for the year; how much for construction with an allowance of not more than ten (10%) per centum of the amount to be expended on any construction work for engineering and supervision of the same; in general, where such construction is to be located, how much for maintenance and the extent of highway it is proposed to maintain, together with such other essential facts as the commission may deem necessary in order that the people of the state may have full knowledge as to how much money there may be available in a given year for the work of the department and how it is proposed to spend the money. In adjusting the expenditures for a given year the commission shall give full consideration to the recommendations of the Highway Engineer, who shall be present in person or by his deputy at the discussion of the budget by the commission. Before the budget shall go into effect it shall be submitted on or before the first day of April to the Governor, who may, after consultation with the commission and Highway Engineer, recommend such changes as he may consider for

the best interests of the state. If the Governor does not return the budget to the commission within ten (10) days, it shall be deemed approved. If it shall be returned within ten (10) days with changes recommended, the commission may by the affirmative vote of four (4) members of the commission, accept or reject any of the changes recommended by the Governor. When accepted, changes shall be incorporated in the budget.

Sec. 37. The budget in final form so prepared shall be issued in printed form and sent free of charge to any citizen of the state who may apply for the same.

Sec. 38. When a budget has been finally approved the Highway Engineer shall proceed in accordance therewith and administer the work of the State Highway Department accordingly. Provided, however, that when in the opinion of the Governor, changes in the budget are necessary or desirable to meet changed or unforeseen conditions, such changes in the budget may be made by the affirmative vote of a majority of the members of the commission, but in no case shall the amount of the budget be so changed as to exceed the total funds available.

Sec. 39. In order that the Engineer may make immediate cash payment to laborers and in other instances where, in his judgment it is advantageous or necessary to make such payments, there shall be deposited by the State Treasurer in banks to be designated by the State Highway Commission from the State Highway Fund, such sum as the commission shall deem adequate which shall be made payable upon order of the State Highway Engineer in the form of a voucher check, the voucher to show to whom and for what payment is made. A duplicate of all such vouchers shall be retained in the office of the State Highway Department. The voucher checks issued shall be audited by the State Auditor from time to time, when requested by the Engineer, and an amount equal to the checks returned and found in proper form shall thereupon be deposited by the State Treasurer to the credit of such special fund from the State Highway Fund. Voucher checks drawn upon the special fund shall not be used to pay salaries of officers or regular employees of the department.

Sec. 40. If, as the result of any agreement made by the commission, on behalf of the state, and any branch of the Federal Government, there shall be undertaken actual construction or improvement of highways in the state, the letting of contracts, preparation and approval of specifications and plans, together with supervision of construction, shall on behalf of the state, be under the direct control of the State Highway Engineer, subject to the terms of the agreement so made, provided that no agreement or contract shall be made which shall require the expenditure of funds greater than that included in the budget for the current fiscal year.

CHAPTER X.

GENERAL PROVISIONS AND REPEAL OF PRIOR LAWS.

Sec. 41. The State Engineer and Board of Directors of State Institutions upon the request of the State Highway Commission shall transfer and deliver to the State Highway Department created by said act, all supplies, trucks, highway material, equipment, unfinished contracts and work in progress under the direction of the State Engineer and all properties, files, records, books, maps, papers and other documents pertaining to the office of the State Engineer in his and their possession.

Sec. 42. Chapter 7, Title 50, Revised Statutes of Arizona, 1913, Civil Code, and acts amendatory thereof, together with all other acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 43. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not effect the validity of the remaining portions of this act.

Sec. 44. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Filed July 1, 1920.

AN ACT

TO PROMOTE THE RECLAMATION AND IRRIGATION OF ARABLE AND IRRIGABLE LANDS LYING WITHIN THE BOUNDARIES OF IRRIGATION DISTRICTS REGULARLY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF ARIZONA AND PROVIDING FOR THE ISSUANCE OF BONDS OF THE STATE OF ARIZONA BEARING INTEREST AT THE RATE OF NOT TO EXCEED FIVE PER CENT PER ANNUM PAYABLE SEMI-ANNUALLY, IN EXCHANGE FOR IRRIGATION DISTRICT BONDS BEARING INTEREST AT THE RATE OF SIX PER CENT PER ANNUM, PAYABLE SEMI-ANNUALLY WHEN ADEQUATE PROVISION IS MADE FOR THE PAYMENT BY SUCH IRRIGATION DISTRICT OR DISTRICTS INTO THE TREASURY OF THE STATE OF ARIZONA OF SUFFICIENT MONEYS FROM TIME TO TIME TO TAKE UP AND PAY OFF SUCH STATE BONDS, PRINCIPAL AND INTEREST, AS AND WHEN THE INSTALLMENTS OF INTEREST AND PRINCIPAL THEREON ARE OR SHALL BECOME DUE AND PAYABLE.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the
REGULAR GENERAL ELECTION
to be held

ON THE SECOND DAY OF NOVEMBER, 1920.

By Initiative Petition of the people filed in the office of the Secretary of State July 1, 1920, in accordance with the provisions of Paragraph 3328, Chapter I, TITLE XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

MIT SIMMS, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

TO PROMOTE THE RECLAMATION AND IRRIGATION OF ARABLE AND IRRIGABLE LANDS LYING WITHIN THE BOUNDARIES OF IRRIGATION DISTRICTS REGULARLY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF ARIZONA AND PROVIDING FOR THE ISSUANCE OF BONDS OF THE STATE OF ARIZONA BEARING INTEREST AT THE RATE OF NOT TO EXCEED FIVE PER CENT PER ANNUM PAYABLE SEMI-ANNUALLY, IN EXCHANGE FOR IRRIGATION DISTRICT BONDS BEARING INTEREST AT THE RATE OF SIX PER CENT PER ANNUM, PAYABLE SEMI-ANNUALLY WHEN ADEQUATE PROVISION IS MADE FOR THE PAYMENT BY SUCH IRRIGATION DISTRICT OR DISTRICTS INTO THE TREASURY OF THE STATE OF ARIZONA OF SUFFICIENT MONEYS FROM TIME TO TIME

TO TAKE UP AND PAY OFF SUCH STATE BONDS, PRINCIPAL AND INTEREST, AS AND WHEN THE INSTALLMENTS OF INTEREST AND PRINCIPAL THEREON ARE OR SHALL BECOME DUE AND PAYABLE.

If you favor the above law, vote YES; if opposed, vote NO.

312 Yes.

313 No.

(On Official Ballot Nos. 312 and 313.)

AN ACT

TO PROMOTE THE RECLAMATION AND IRRIGATION OF ARABLE AND IRRIGABLE LANDS LYING WITHIN THE BOUNDARIES OF IRRIGATION DISTRICTS REGULARLY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF ARIZONA AND PROVIDING FOR THE ISSUANCE OF BONDS OF THE STATE OF ARIZONA BEARING INTEREST AT THE RATE OF NOT TO EXCEED FIVE PER CENT PER ANNUM PAYABLE SEMI-ANNUALLY, IN EXCHANGE FOR IRRIGATION DISTRICT BONDS BEARING INTEREST AT THE RATE OF SIX PER CENT PER ANNUM, PAYABLE SEMI-ANNUALLY WHEN ADEQUATE PROVISION IS MADE FOR THE PAYMENT BY SUCH IRRIGATION DISTRICT OR DISTRICTS INTO THE TREASURY OF THE STATE OF ARIZONA OF SUFFICIENT MONEYS FROM TIME TO TIME TO TAKE UP AND PAY OFF SUCH STATE BONDS, PRINCIPAL AND INTEREST, AS AND WHEN THE INSTALLMENTS OF INTEREST AND PRINCIPAL THEREON ARE OR SHALL BECOME DUE AND PAYABLE. BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. Any irrigation district now or hereafter regularly organized and existing under the laws of the State of Arizona, may file with the Secretary of the State of Arizona its application in sextuplicate, and verified by the oath of its President and Secretary, setting forth:

1. That it is regularly and duly organized, and the date of its organization.

2. Its location and boundaries, together with the irrigable acreage embraced therein.

3. The character and quality of the lands and soils embraced therein, and the acreages therein held by private ownership, the acreage therein owned by the State of Arizona, the acreage therein belonging to the United States of America and the acreage therein of United States land held by entrymen under the land laws of the United States.

4. The character and extent of the proposed irrigation works for the reclamation thereof, together with maps and plats showing the location and size of the reservoirs, dams, canals, ditches and other works constructed or proposed to be constructed, and plans and specifications showing the character, extent, class and type of the works constructed or proposed to be constructed, and estimates of the cost of such proposed works.

5. The amount and source of supply of the waters proposed to be conserved and used for the irrigation of said lands.

6. The estimated value per acre of said lands after the completion of such proposed irrigation works and the application of the water conserved thereby to such lands for the irrigation thereof.

7. That the said irrigation district has regularly provided for and has issued its irrigation district bonds bearing six per cent interest, payable semi-annually, according to law, for the construction of said proposed

works, the amount of such issue and the denominations of such bonds and the date or dates when the same are payable.

And praying that the State of Arizona issue and deliver to the said irrigation district state bonds of like amount in par value, bearing not to exceed five per cent interest payable semi-annually, and of the same denominations and same dates of maturity as said irrigation district bonds, the same to be issued and delivered to said irrigation district for purposes of sale, upon delivery by the said irrigation district to the State of Arizona the said issue of irrigation district bonds.

Sec. 2. Upon the filing of said application, the Secretary of the State of Arizona shall forthwith transmit one copy thereof to the Attorney General for the State of Arizona, one copy thereof to the State Land Commissioner, one copy thereof to the State Water Commissioner, one copy thereof to the State Engineer, and one copy thereof to the Governor of the State of Arizona, and shall keep the remaining copy on file in his office.

The said Attorney General shall thereupon immediately proceed to examine into the legality and validity of the organization of such irrigation district and the legality and validity of the said irrigation district bonds and the proceedings leading up to the issuance of the same, and shall report in writing his views and opinion thereon to the Governor of the State of Arizona.

The State Land Commission shall proceed immediately to examine the lands embraced in said irrigation district, the character of said lands as to being rough or level, and whether hard or easy of irrigation, the quality of the soil and its adaptability to producing and raising crops, and its prospective value after the completion of such proposed irrigation works and the irrigation of such lands therefrom and shall make a report thereon in writing to the Governor of the State of Arizona.

The State Water Commissioner shall proceed immediately to examine into the source and amount of the water supply to be conserved and utilized by such proposed irrigation works and to determine whether or not the claims of said district upon said water supply are well founded or not, and whether or not the amount of said water supply available for use by said irrigation district is sufficient in his opinion for successful irrigation of the lands embraced in such irrigation district and for the growing of profitable crops thereon, and shall report in writing thereon to the Governor of the State of Arizona.

The said State Engineer shall immediately proceed to examine into plans and specifications so submitted for such proposed construction and to view and examine the grounds upon and over which the said dams, canals, ditches and other proposed works are to be constructed, and shall report in writing to the Governor of the State of Arizona whether or not in his opinion the class and type of construction so proposed is within the accepted usages and practices of competent irrigation engineers for like construction and whether or not the said proposed work, if constructed, would be safe and durable and adequate and sufficient for the purposes for which they were designed, together with his estimate of the probable cost of such proposed irrigation works.

The above examinations and reports of the Attorney General, Land Commissioner, Water Commissioner, and Engineer shall be made to the Governor as speedily as the same can be done, and upon receiving such reports the Governor shall examine and consider the same and from such reports and such additional information and data as he may have

or secure, shall determine whether or not the said project is a feasible project, and whether or not the cost of such proposed irrigation works is within the ability of the said irrigation district and of the lands and land owners thereunder, to reasonably pay without risk to the State of Arizona, and if and when the said Governor shall so determine that said project is a feasible project and that the estimated cost of such proposed irrigation works is within the ability of the said irrigation district and the lands and land owners thereunder to meet and pay as and when the installments of interest and principal thereon may and shall become due and payable, then the said Governor shall notify said irrigation district of such determination, and thereupon and thereafter the said irrigation district shall proceed to advertise, according to law, for bids for the construction of said proposed irrigation works, either as one piece or in parcels, and if and when the said irrigation district shall receive a bid or bids from one or more responsible bidders for the construction of said irrigation works, or the various portions thereof at a price or amount not in excess of the estimated cost of such proposed irrigation works, and not in excess of the amount of the par value of such issue of irrigation district bonds, and such bidder or bidders shall give a good and sufficient bond or bonds to construct and complete such proposed irrigation works for the amount of such bid or bids, then the said Governor shall examine into the responsibility of such bidder or bidders and the sufficiency of such bond or bonds and if the said Governor, from such examination, be satisfied that such bidder or bidders, are responsible, and such bond or bonds are proper in form and the surety or sureties thereon are financially responsible, then the said Governor of the State of Arizona, upon receiving from such irrigation district bonds of such irrigation district so issued as aforesaid, shall cause to be issued and delivered to said irrigation district, bonds of the State of Arizona in amount par value equal to the par value of the bonds of such irrigation district so delivered to him, and which bonds of the State of Arizona shall bear interest at the rate of not to exceed five per cent per annum payable semi-annually, to be of the denomination or denominations as requested by said irrigation district, and shall mature at such time or times and in like amounts as the irrigation district bonds so delivered by said irrigation district to the State of Arizona.

Sec. 3. All payments upon interest or principal of such irrigation district bonds so delivered to the State of Arizona shall be made by the proper authorities to the Treasurer of the State of Arizona as and when the same shall or may become due and payable, and the Treasurer of the State of Arizona shall from the moneys so received by him, pay the interest and principal upon the state bonds so issued and so delivered to the said irrigation district.

The excess per cent of interest borne by the said irrigation district bonds over the interest borne by the said state bonds, not exceeding one per cent, shall be used and employed by the said Treasurer of the State of Arizona to paying the cost and expenses of the preparation and issuance of such state bonds, the cost and expenses of collecting the installments of interest and principal on such irrigation district bonds and of remitting and paying the interest and principal of such state bonds, and the balance remaining after such expenses are paid and after such entire issue of state bonds, interest and principal, has been fully paid and discharged, shall be by the said Treasurer turned over to the State School Fund of the State of Arizona, and all over such one per cent to the irrigation district.

Sec. 4. Any and all state bonds issued and delivered under the provisions of this act shall be sold by such irrigation district or districts.



in such amounts and at such times as needed, at public auction, to the highest and best bidder therefor and shall not be sold or disposed of at less than par, and all moneys when and as received by any irrigation district from the sale of state bonds issued under the provisions of this act, shall be by such district forthwith deposited with the Treasurer of the county in which such district or the major portion thereof is situate, and shall be drawn out upon warrants issued according to law and used, employed and devoted only to the payment of the costs and charges of such construction, and of the expenses and charges incident to and connected with such construction, and in all matters connected with the construction, maintenance and operation of any irrigation works constructed wholly or in part from the proceeds of state bonds issued hereunder, the said irrigation districts shall be governed and controlled by the provisions of law now or hereafter existing relating to irrigation districts.

Filed July 1, 1920.

STAR JOB PRINT



TUCSON, ARIZONA
